

## **EXHIBIT 1**

DEPOSITION TRANSCRIPT OF JOHN DOE #1

1 UNITED STATES DISTRICT COURT  
 2 EASTERN DISTRICT OF MICHIGAN  
 3 SOUTHERN DIVISION  
 4 -----  
 5 )  
 6 JOHN DOES #1-4 and MARY DOE, )  
 7 )  
 8 Plaintiff, )  
 9 )  
 10 -vs- )File No.  
 11 )2:12-cv-11194  
 12 RICK SNYDER, Governor of the )JUDGE CLELAND  
 13 State of Michigan, and COL. )  
 14 KRISTE ETUE, Director of the )  
 15 Michigan State Police, in )  
 16 their official capacities, )  
 17 )  
 18 Defendants. )  
 19 -----

## D E P O S I T I O N

12 of JOHN DOE #1, a Plaintiff called by Defendants, taken  
 13 before Melinda S. Nardone, Certified Shorthand Reporter  
 14 and Notary Public, at 2966 Woodward Avenue, Detroit,  
 15 Michigan, on Friday, November 1, 2013, noticed for the  
 16 hour of 1:00 p.m.

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## A P P E A R A N C E S:

1 AMERICAN CIVIL LIBERTIES UNION OF MICHIGAN  
 2 1514 Wealthy Street, SE, Suite 242  
 3 Grand Rapids, Michigan 49506

4 By  
 5 MIRIAM AUKERMAN, J.D.  
 6 and

7 AMERICAN CIVIL LIBERTIES UNION OF MICHIGAN  
 8 2966 WOODWARD AVENUE  
 9 Detroit, Michigan 48201

10 By  
 11 SOFIA NELSON, J.D.  
 12 and

13 MICHIGAN CLINICAL LAW PROGRAM  
 14 363 Legal Building  
 15 801 Monroe Street  
 16 Ann Arbor, Michigan 48109

17 By  
 18 PAUL D. REINGOLD, J.D.

19 On behalf of Plaintiffs.

20 MICHIGAN DEPARTMENT OF ATTORNEY GENERAL  
 21 Public Employment, Elections & Tort  
 22 P.O. Box 30736  
 23 Lansing, Michigan 48909

24 By  
 25 ERIK A. GRILL, J.D.

On behalf of Defendants.

Also present: Maria Martinez  
 Julia Henshaw

## E X A M I N A T I O N I N D E X

1 ATTORNEY'S NAME EXAMINATION RE-EXAMINATION  
 2  
 3 BY MR. GRILL: 4 93, 114  
 4 BY MS. MARTINEZ: 84 104  
 5 BY MS. AUKERMAN: 108  
 6

7 \* \* \*

## I N D E X O F E X H I B I T S

8  
 9  
 10 EXHIBIT MARKED  
 11 Ex #1 Response to first set of interrogatories 47  
 12

13 \* \* \*

1 Detroit, Michigan

2 Friday, November 1, 2013

3 1:10 p.m.

## R E C O R D

4 JOHN DOE #1,

5 having been first duly sworn, testified as follows:

## E X A M I N A T I O N

6 BY MR. GRILL:

7 Q. Good morning, please state your name for the  
 8 record?

9 A. [REDACTED]

10 Q. My name is Erik Grill, I'm with the Michigan  
 11 Attorney General's office, I represent the Defendants in  
 12 this case, which in this case is the State of Michigan.

13 A. Okay.

14 Q. I'm going to ask you some questions this  
 15 afternoon and if you don't understand any of the  
 16 questions that I'm asking I would just ask that you let  
 17 me know and I will do my best to rephrase the question  
 18 or maybe ask it a different way. If you answer the  
 19 question I'm going to assume that you heard my question  
 20 and that you're answering the question that I asked; is  
 21 that fair?

22 A. Yes.

23 Q. If you need a break at any point let me know,  
 24  
 25

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1 I'll be happy to give you one, but I would ask that if  
2 I've asked a question that you answer the question  
3 before we take a break.

4 **A. Okay.**

5 Q. Is there any reason at all that your testimony  
6 this morning will be anything less than honest and  
7 accurate?

8 **A. No.**

9 Q. Are you currently taking any prescription  
10 medication or over-the-counter medication that might  
11 affect your memory or your state of mind?

12 **A. No.**

13 Q. Are you currently under the influence of any  
14 drugs or alcohol?

15 **A. No.**

16 Q. I think probably the best way to start is just  
17 going to go through your background a little bit and  
18 then we'll narrow in on some of the issues that relate  
19 to this case.

20 **A. Yes, sir.**

21 Q. So what's the highest level of education that  
22 you've completed?

23 **A. 12th grade.**

24 Q. So high school?

25 **A. High school.**

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1 Q. Where did you go to high school?

2 **A. [REDACTED]**

3 Q. And what year did you graduate?

4 **A. '88, 1988.**

5 Q. What did you do after you graduated from high  
6 school?

7 **A. I pursued a job with -- in electronics. I went  
8 to school for electronics briefly and then I got a job  
9 with McDonald's.**

10 Q. Where did you go to school for electronics?

11 **A. [REDACTED]**

12 Q. What type of electronics work were you pursuing?

13 **A. Small electronics and graphs, drawing of graphs,  
14 mechanical designs and drawings.**

15 Q. So was it trade education or was it engineering?

16 **A. Trade education.**

17 Q. And you were also working at McDonald's at the  
18 same time --

19 **A. Yes.**

20 Q. -- or afterwards?

21 **A. Afterwards.**

22 Q. How far did you get with the education  
23 training -- or the electronics training?

24 **A. I'd say about a year.**

25 Q. Why did you stop?

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1 **A. Living the life of crime.**

2 Q. Well, let's pursue that for a moment. When you  
3 say you stopped because you were pursuing a life of  
4 crime, what do you mean by that?

5 **A. Well, I felt as though schooling wasn't for me so  
6 I decided to try to go and sell drugs.**

7 Q. When did you start doing that?

8 **A. '89, '90.**

9 Q. How long did you sell drugs?

10 **A. Six months to about a year.**

11 Q. And why did you stop?

12 **A. I became incarcerated.**

13 Q. And then what year were you in -- what year did  
14 you begin your sentence?

15 **A. I was sentenced in August of '91.**

16 Q. And how long was your sentence?

17 **A. 22 to 40 years.**

18 Q. And I'm gathering at some point after that you  
19 were released?

20 **A. Yes, 2009.**

21 Q. 2009.

22 **A. November [REDACTED]**

23 Q. Parole?

24 **A. Yes, sir.**

25 Q. Were there any other convictions besides that

Page 8

1 one?

2 **A. Well, let's back up to bring clarity to it.**

3 Q. Okay.

4 **A. I sold drugs and then I caught the initial case,  
5 I committed a crime, armed robbery, which got me to 22  
6 to 40 years. That's what stopped me from selling drugs.  
7 When you talk about me and selling drugs, I was selling  
8 drugs until I caught this case here, the armed robbery  
9 case.**

10 Q. So your armed robbery case was the one that led  
11 to the prison sentence?

12 **A. Yes, sir.**

13 Q. Prior to that there was a six month to a year  
14 period of time that you were selling drugs and you were  
15 arrested more than once?

16 **A. Yes.**

17 Q. What types of things were you arrested for in  
18 that period of time?

19 **A. For the drugs, I got caught selling drugs, I  
20 received probation and I absconded, went back to selling  
21 drugs, went to working for McDonald's, and then that's  
22 when I caught the case, I attempted to rob them.**

23 Q. Just to get the time line in my mind correct.

24 **A. Okay.**

25 Q. You were arrested for selling drugs, you --

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1 **A. In '89.**  
 2 Q. In '89, you absconded from that, went back to  
 3 selling drugs?  
 4 **A. Uh-huh.**  
 5 Q. And you went back to working at McDonald's?  
 6 **A. Uh-huh.**  
 7 Q. And then while working at McDonald's or after  
 8 working at McDonald's you committed the armed robbery?  
 9 **A. Right, because the McDonald's was the place of**  
 10 **employment and that was also the place of the crime.**  
 11 Q. We'll come back to that in a moment, you know,  
 12 that's the time line.  
 13 **A. Okay.**  
 14 Q. After your release what have you been doing?  
 15 **A. Working for [REDACTED] -- no, I started working for**  
 16 **sanitation, [REDACTED]. I worked for [REDACTED]**  
 17 **[REDACTED] for about a year. Six months after I had got**  
 18 **paroled I also got a job with [REDACTED]**  
 19 Q. What type of work were you doing with sanitation?  
 20 **A. Public sanitation, garbage truck is what you**  
 21 **call --**  
 22 Q. Garbage collection?  
 23 **A. Yes, garbage collection.**  
 24 Q. How long did you do that before starting with  
 25 [REDACTED]

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1 **A. I did that first for six months. Then I got the**  
 2 **job with [REDACTED] and I was working two jobs, and then**  
 3 **eventually I stopped the sanitation.**  
 4 Q. What type of work do you do for [REDACTED]  
 5 **A. Vocational services.**  
 6 Q. What does [REDACTED] stand for?  
 7 **A. [REDACTED]**  
 8 Q. And what is incorporated within [REDACTED]  
 9 [REDACTED]  
 10 **A. Well, the department that I work in deals with**  
 11 **those who have -- it's called the supportive employment**  
 12 **program and deals with those who have mental and**  
 13 **physical disabilities. We take them out on the job site**  
 14 **to help them to conduct a job or do a job like a normal**  
 15 **person would.**  
 16 Q. And you've been doing that now for how many  
 17 years?  
 18 **A. Four, four or five.**  
 19 Q. All right. Well, how many places have you lived  
 20 since you were released from prison?  
 21 **A. Two.**  
 22 Q. And where were those?  
 23 **A. [REDACTED] and in [REDACTED]**  
 24 Q. How long did you live in [REDACTED]  
 25 **A. Two years.**

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1 Q. And the remainder of the time you've been living  
 2 in [REDACTED]  
 3 **A. Yes.**  
 4 Q. Before we move off of your education, you  
 5 graduated high school, can I safely assume that you read  
 6 and understand English?  
 7 **A. That I do what now?**  
 8 Q. Read and understand English?  
 9 **A. Yes.**  
 10 Q. You're literate; you read, you can write?  
 11 **A. Yes.**  
 12 Q. Do you have any learning disabilities that  
 13 interfere with your ability -- your cognitive function  
 14 or anything like that?  
 15 **A. No.**  
 16 Q. Why don't we talk now a little bit about the  
 17 details of the offense that led to your incarceration  
 18 and your subsequent registration. Probably the easiest  
 19 way to do that would be could you please describe for me  
 20 in your own words the crime?  
 21 **A. Well, December 22nd me and three friends, one**  
 22 **cousin of mine, two of us was ex-employees of**  
 23 **McDonald's, we decided to go and rob them. Upon getting**  
 24 **there we seen the manager and her son leaving. I**  
 25 **approached them, ordered them back into the store, open**

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1 **up the safe. They were not compliant. I struck one of**  
 2 **them and I threatened the other one that I would lock**  
 3 **him in a cooler if he didn't open the safe. They ran up**  
 4 **out of there and I was arrested.**  
 5 Q. How did you order them back into the McDonald's?  
 6 **A. I had a gun and I grabbed the manager and I told**  
 7 **her make it a robbery and not a murder. And we went**  
 8 **back into the store, I directed them to the safe, told**  
 9 **them to open the safe. And she was, you know, not**  
 10 **compliant and that's when I struck her and then I kicked**  
 11 **[REDACTED] I think his name -- [REDACTED] and I told him to open**  
 12 **up the safe and if he didn't open up the safe that I was**  
 13 **going to lock him in the cooler. And while I was**  
 14 **proceeding to go into the safe they ran out of the**  
 15 **building.**  
 16 Q. The manager, was that a male or a female?  
 17 **A. She was a female.**  
 18 Q. And she had with her son?  
 19 **A. Yes.**  
 20 Q. How old was her son at the time?  
 21 **A. 14.**  
 22 Q. Was he an employee there or did he just happen to  
 23 be there with her?  
 24 **A. I don't know -- he used to just come there and**  
 25 **work as a young person, you know, with his mom, but he**

1 **wasn't per se an employee, I don't believe. I don't**  
2 **know.**

3 Q. And so you approached them as they were leaving  
4 the McDonald's?

5 **A. Uh-huh.**

6 Q. You had a gun?

7 **A. Uh-huh.**

8 Q. And what specifically did you say, the first  
9 thing you said to her to get them to go back into the  
10 McDonald's?

11 **A. Make it a robbery, not a murder.**

12 Q. That was the first thing, that wasn't in response  
13 to some resistance or an effort to run or anything like  
14 that?

15 **A. Exactly.**

16 Q. Then they went back into the McDonald's with you?

17 **A. Yes.**

18 Q. And you said this was with you and other  
19 individuals; were they with you at the time?

20 **A. No, they remained in the car.**

21 Q. And so you went into the McDonald's?

22 **A. Uh-huh. Yes.**

23 Q. Once you're in the McDonald's you told her to  
24 open up the safe?

25 **A. Yes.**

1 Q. What did she do then specifically?

2 **A. I don't know the combination.**

3 Q. She said she didn't know the combination?

4 **A. Right.**

5 Q. And how did you respond to that?

6 **A. You're lying, you know the combination, open the**  
7 **combination -- open up the safe.**

8 Q. And what did she do then?

9 **A. She kept saying she didn't and then I struck her.**

10 Q. You struck her with the gun?

11 **A. No, with my hand.**

12 Q. Where did you strike her?

13 **A. On the side of her head.**

14 Q. Did she fall?

15 **A. No.**

16 Q. What did she do then?

17 **A. Opened up the safe.**

18 Q. So she did know the combination?

19 **A. Yes.**

20 Q. Once she opened the safe what happened next?

21 **A. I told her to open up another one. There was**  
22 **two.**

23 Q. There were two safes?

24 **A. Yes.**

25 Q. And what did she say then?

1 **A. She did not know the combination -- no, and then**  
2 **she proceeded to open that one and that's when I had**  
3 **told [REDACTED] to open it up, help her open it up.**

4 Q. I'm not sure I understand that part of it.

5 **A. Okay.**

6 Q. So they open up the first safe.

7 **A. Uh-huh, one at the top, one at the bottom.**

8 Q. There's two safes, one in -- stacked on top of  
9 each other?

10 **A. Right.**

11 Q. So they open the top one?

12 **A. Uh-huh.**

13 Q. Was there money inside?

14 **A. Yes.**

15 Q. And then there's a safe right below it?

16 **A. Yes.**

17 Q. And in both circumstances for both safes you had  
18 asked her to open them up?

19 **A. Uh-huh.**

20 Q. And she said she didn't know the combination?

21 **A. Right.**

22 Q. So I don't know the combination for the top safe,  
23 and then open up the bottom safe, I don't know the  
24 combination for that one either?

25 **A. Right.**

1 Q. When she said that she doesn't know the  
2 combination for the bottom safe, what happens then?

3 **A. That's when I threaten her again.**

4 Q. How did you threaten her?

5 **A. I told her I'm going to strike you again, open**  
6 **the damn safe, and she opened the safe.**

7 Q. And so she opens up the bottom safe?

8 **A. Uh-huh.**

9 Q. Takes the money out?

10 **A. She just breaks the combination. She didn't open**  
11 **it all the way, and then that's when I instructed her**  
12 **son to do so and he didn't want to and then that's when**  
13 **I threatened to lock him in the cooler.**

14 Q. So she entered the combination of the bottom safe  
15 but didn't open the door?

16 **A. Exactly.**

17 Q. And then you ordered the son to open the door?

18 **A. Yes.**

19 Q. But he didn't want to?

20 **A. Right.**

21 Q. What specifically did you say to him to make him  
22 open up the safe door?

23 **A. You'd better open that up or I'm going to put you**  
24 **in the cooler.**

25 Q. The cooler where they keep the food?

1 **A. Yeah.**  
2 Q. And then what did he do then?  
3 **A. He opened up -- he attempted to open up the safe**  
4 **and I turned to grab a bag and they ran out.**  
5 Q. Did you point the gun at -- [REDACTED] was his name?  
6 **A. Yes. No.**  
7 Q. Why don't we clean that up for the record because  
8 I think there were two questions there.  
9 **A. Okay.**  
10 Q. His name was [REDACTED]  
11 **A. Her name was [REDACTED] his name was [REDACTED] if I can**  
12 **recall.**  
13 Q. That's fine. And this is not going to be the  
14 part that I'm going to later on say you said his name  
15 was [REDACTED] and it turned out his name was [REDACTED]  
16 **A. Okay.**  
17 Q. That's not the point here, I just want to make  
18 sure I've got the players right in my mind. Did you at  
19 any point point the gun at [REDACTED]  
20 **A. I can't recall. I think I did initially and then**  
21 **upon the threat I may have, but....**  
22 Q. The threat to say I'm going to put you in the  
23 cooler?  
24 **A. Yeah.**  
25 Q. At any point did you strike [REDACTED]

1 **A. Yes, I kicked him.**  
2 Q. Where did that part come in?  
3 **A. Before he started to help bring the money out.**  
4 Q. Of the bottom safe?  
5 **A. Of the bottom safe.**  
6 Q. At what part in the process did you kick him and  
7 why?  
8 **A. Because he wasn't compliant when I had told him**  
9 **to open the safe and get the stuff out, if not I was**  
10 **going to lock him in the cooler.**  
11 Q. And so at some point while you're saying that and  
12 telling that to him you kick him?  
13 **A. Yes.**  
14 Q. What kind of kick was it?  
15 **A. Just a kick on like on his leg.**  
16 Q. That was the next question, what part of the body  
17 did you kick him on?  
18 **A. On his leg.**  
19 Q. Like the thigh area, the shin?  
20 **A. Hamstring.**  
21 Q. Kind of like the back part or the bottom part of  
22 the leg?  
23 **A. Yeah.**  
24 Q. And so after you kick him he opens up the bottom  
25 safe?

1 **A. (Nodding head up and down.)**  
2 Q. Takes the money out, you turn to grab a bag, and  
3 while you're grabbing the bag the two of them ran?  
4 **A. No, the bag burst actually.**  
5 Q. Okay, tell me about that.  
6 **A. And that's what made me grab the bag.**  
7 Q. Okay.  
8 **A. So while he was taking the stuff out of there the**  
9 **bag burst.**  
10 Q. Was it a plastic bag, canvas bag?  
11 **A. It was a plastic, like a garbage bag.**  
12 Q. So --  
13 **A. And I proceeded to grab another bag and when I**  
14 **did that they ran out of the building.**  
15 Q. Was this a bag you'd brought with you or after  
16 they --  
17 **A. No, it was there.**  
18 Q. It was there?  
19 **A. Yeah.**  
20 Q. So you -- at what point between the time that you  
21 brought them into the McDonald's and the safe door  
22 opened up did you grab the bag?  
23 **A. After she opened the first safe.**  
24 Q. After she opened the first safe, so then -- okay,  
25 grabbed the Glad bag, the garbage bag, filled it with

1 money from the first part of the safe, and then as  
2 they're filling it with the money from the bottom safe,  
3 that's when the bag burst?  
4 **A. Uh-huh.**  
5 Q. I gather from the weight or the bulkiness of it  
6 or whatever?  
7 **A. Uh-huh.**  
8 Q. Where were the bags in relation to the safe?  
9 **A. I can't recall specifically but it was right**  
10 **there in the kitchen area.**  
11 Q. So that you had turned your back on the two of  
12 them --  
13 **A. Uh-huh.**  
14 Q. -- to get a bag?  
15 **A. (Nodding head up and down.)**  
16 Q. Approximately how far away were the bags from the  
17 safe area?  
18 **A. From me to her.**  
19 Q. Let the record reflect that looks to be about  
20 five feet?  
21 **A. (Nodding head up and down.)**  
22 Q. So you turn and grab the bag. They leave through  
23 the front door, the side door?  
24 **A. The door we came in, the side door.**  
25 Q. The side door. Did you pursue them?

1 **A. Yes.**  
2 Q. How far did you pursue them?  
3 **A. I just looked out the door over the counter and**  
4 **noticed that officers was out there.**  
5 Q. The police had already arrived?  
6 **A. Yes.**  
7 Q. So in the sequence of events they open up the  
8 bottom safe, they are filling it with the money, the bag  
9 breaks, you turn to get another bag, they leave out the  
10 door, you turn to follow them, and as you're following  
11 them through -- you know, toward the door, is that the  
12 side door, that's when you notice the police?  
13 **A. Yes.**  
14 Q. What happens next?  
15 **A. They send in the K-9 dog to retrieve me.**  
16 Q. After you first see the police -- did you get all  
17 the way out of the McDonald's?  
18 **A. No, sir.**  
19 Q. So while you're getting out the door you look  
20 through the window and you see the police are there?  
21 **A. Uh-huh.**  
22 Q. What do you do in response to that?  
23 **A. I went and opened the back door.**  
24 Q. The back part of the store?  
25 **A. Yeah.**

1 Q. What did you see there?  
2 **A. Officers.**  
3 Q. So there were officers at the side and then there  
4 were officers in the back?  
5 **A. (Nodding head up and down.)**  
6 Q. What did you do then?  
7 **A. Closed the door.**  
8 Q. Then what happened?  
9 **A. I went into the cellar.**  
10 Q. There was actually a basement area?  
11 **A. Yes.**  
12 Q. And what did you do in the cellar?  
13 **A. I called myself hiding.**  
14 Q. You tried to hide, right?  
15 **A. I tried to hide. You can't run so you have to**  
16 **hide.**  
17 Q. How long were you in the cellar, do you think?  
18 **A. About an hour.**  
19 Q. And at some point while you were hiding the  
20 police sent a K-9 unit in?  
21 **A. (Nodding head up and down.)**  
22 Q. The dog, I guess, tracked you?  
23 **A. Ruff pulled me out.**  
24 Q. The dog found you?  
25 **A. The dog found me, yes.**

1 Q. The dog comes in. Did the dog bite you at all or  
2 did he bark at you?  
3 **A. Yes. Would you like for me to put it on the**  
4 **record, I'll show you what he did. No, he grabbed my**  
5 **leg, he grabbed my leg and pulled me from up under a**  
6 **shelf area that I was hiding under. And at that time**  
7 **the officers were right there.**  
8 Q. And then they arrested you?  
9 **A. Yes.**  
10 Q. Put you in the car and took you to jail?  
11 **A. The last time I saw the streets for 20 years.**  
12 Q. So as a consequence of that day what crimes were  
13 you charged with, if you recall?  
14 **A. I was charged with 11 felony counts. Armed**  
15 **robbery, felonious assault, felony firearm, and**  
16 **kidnapping.**  
17 Q. Okay. And did you plead guilty or did you go to  
18 trial?  
19 **A. I pled guilty. No contest to one and pled guilty**  
20 **to the others.**  
21 Q. All of the charges in exchange for what, what  
22 were the --  
23 **A. Nothing.**  
24 Q. There was no consideration for sentencing or  
25 anything like that?

1 **A. Nothing.**  
2 Q. If you don't mind my asking why did you take that  
3 particular agreement?  
4 **A. I didn't know any better. I had confidence in my**  
5 **attorney at the time. And also, in addition, I was**  
6 **threatened with life sentences.**  
7 Q. Okay. So the original charge had a potential for  
8 a life sentence?  
9 **A. Yes.**  
10 Q. The actual sentence you received was 22 to 40  
11 years?  
12 **A. A life sen- -- yes.**  
13 Q. Would it comport with your memory if the charge  
14 that you pled no contest to was the kidnapping?  
15 **A. Yes.**  
16 Q. Other than the kick to the back of the leg, did  
17 you have any physical contact with the 14 year old son  
18 of the manager?  
19 **A. Just push.**  
20 Q. What part of his body did you push?  
21 **A. His shoulder.**  
22 Q. What correctional facility did you serve your  
23 time in?  
24 **A. 18 to be exact, do you want the name of all of**  
25 **them? Not being sarcastic, not being smart, but 18 of**

1 **them.**

2 Q. No, no, that's fine. 18 different ones?

3 **A. Yes.**

4 Q. It's a pretty good sampling of the Michigan  
5 Department of Corrections' system.

6 **A. As I say, I traveled the State of Michigan at the  
7 expense of the MDOC.**

8 Q. Some of the more scenic parts of the state, I'm  
9 sure.

10 **A. Very beautiful up north, under the circumstances.**

11 Q. Under the circumstances, right. Were  
12 there -- while incarcerated did you have any tickets or  
13 violations?

14 **A. Yes, one.**

15 Q. One of them. What was it for?

16 **A. Out of place.**

17 Q. What were the circumstances for that ticket?

18 **A. You're required to have your ID on you at all  
19 times, and being that I was in a level four, wherever  
20 you go you had to present ID. And this one occasion I  
21 did not have my ID so the officer wrote what is known as  
22 a ticket.**

23 Q. Right. So out of place, it wasn't that you were  
24 someplace you weren't supposed to be, it was that you  
25 were someplace without your ID?

1 **A. Yes, sir.**

2 Q. What penalty was associated with that ticket, if  
3 you remember?

4 **A. LOP, I think it was loss of privileges. Loss of  
5 privileges.**

6 Q. No time added to your sentence or anything like  
7 that?

8 **A. No, because I was also charged as a second degree  
9 habitual because of the drug case that I absconded from,  
10 so I was on the run when I committed that crime so he  
11 supplemented it with the second degree habitual, which  
12 does not allow me any good time. So the prison term I  
13 had to do calendar for calendar, day for day.**

14 Q. Okay, that makes sense. So your sentence was 22  
15 to 40 years?

16 **A. 20 to 40 years, plus two for the gun.**

17 Q. And how much time did you actually serve?

18 **A. 19 years, ten months, and I think 11 days,  
19 something around that area.**

20 Q. While you were in prison did you undergo any  
21 treatment programs of any kind?

22 **A. Treatment for?**

23 Q. Psychological, emotional.

24 **A. No. Upon my release I had to take the assaultive  
25 offenders class.**

1 Q. Tell me about that, what's involved in that  
2 class?

3 **A. The greatest thing they could have ever offered  
4 me or anyone in MDOC.**

5 Q. Okay, why is that?

6 **A. Because it allowed like a forum like this here  
7 with a psychologist, if you would, and he was able to  
8 get us to see how our thinking caused us to do certain  
9 things and how environment, how our upbringing, and how  
10 other elements helped to shape our thinking and us doing  
11 what we did and understanding why we did what we did.  
12 Bottom line, as I always say, it gave me a greater sense  
13 of empathy. I was able to go to the other side, you  
14 know, and that was real moving for me, it actually  
15 changed my life. One of the things that changed my  
16 life.**

17 Q. It was a significant moment in your life?

18 **A. Very significant.**

19 Q. And that was a class that was part of the terms  
20 of your release at the end of your sentence?

21 **A. Yes.**

22 Q. During the prior 19 years what -- I guess was  
23 there any type of similar evolution or thinking while  
24 you were in prison or how did you think about your crime  
25 while you were serving the majority of your time?

1 **A. Well, as far as treatment there was none that I  
2 involved myself in. I involved myself in volunteer  
3 programs. Being that I knew how to read and write I  
4 assisted in a tutoring program to help other guys read  
5 and write. I stayed in the law library a great deal. I  
6 became involved with an organization known as the  
7 National Lifers, I became the vice-president there. I  
8 joined an organization called the Chance for Life. I  
9 frequented all the religious organizations, and I just  
10 remained active physically. Oh, and I worked in the  
11 kitchen for the majority of my incarceration. As far as  
12 significant things happening that was moving to me --  
13 can I share? It's personal about me and my mom.**

14 MS. AUKERMAN: Yes.

15 THE WITNESS: I first went to [REDACTED] for  
16 quarantine, then they sent me to what was known as MR,  
17 the Michigan Reformatory. They was opening up a new  
18 facility known as [REDACTED] in [REDACTED] so they had to  
19 review everybody's file. And they selected me and about  
20 100 other guys to go to [REDACTED]. And while in [REDACTED]  
21 being I'm in [REDACTED] I asked my family to come see me.  
22 My family, of course, poor, didn't have transportation  
23 and there was a conversation me and my mom had and she  
24 says you always calling needing something like money,  
25 she says, you know, you realize you have -- I had a



1 daughter that my mom raised, and I had two other  
 2 siblings.  
 3 And she told me that I need to realize what  
 4 I was doing by asking her to come 300 miles to see her.  
 5 At that time I realized that I hurt my family because  
 6 I'm her only boy and her oldest and she looked at me for  
 7 a great deal of things. And at that time that's when I  
 8 decided this isn't -- I want to make her genuinely proud  
 9 of me so I started changing my life at that point.  
 10 BY MR. GRILL:  
 11 Q. Approximately what year would that have been?  
 12 **A. '92.**  
 13 Q. So about -- if I've got the math right about five  
 14 years in?  
 15 **A. No, sir, about two.**  
 16 Q. About two years in, okay. Right, I'm sorry.  
 17 Tell me, before -- while I'm thinking about it let me  
 18 ask you this, during the time that you were selling  
 19 drugs were you also using drugs at that time?  
 20 **A. No.**  
 21 Q. At any point in your life did you ever use drugs?  
 22 **A. I smoked marijuana.**  
 23 Q. What kind of drugs were you selling?  
 24 **A. Cocaine.**  
 25 Q. Any other?

1 **A. No.**  
 2 Q. Tell me, what is -- you mentioned two  
 3 organizations that you joined while you were in prison,  
 4 one was the National Lifers?  
 5 **A. Uh-huh.**  
 6 Q. What is that organization about?  
 7 **A. It's a nonprofit organization that helped guys to**  
 8 **litigate their cases pro per. And we also involve**  
 9 **ourselves with volunteer work to help other individuals**  
 10 **understand the law. And we were doing some outreach, you**  
 11 **know, selecting like a church and homeless shelter,**  
 12 **which was very -- a big thing for us. And we gathered**  
 13 **the prisoners in the membership and we gathered funds to**  
 14 **send to them and throughout the year we host a**  
 15 **particular shelter or group, I don't know what would be**  
 16 **a name for it, but basically that was it, it was an**  
 17 **advocacy group to help prisoners to understand the law**  
 18 **and at the same time to contribute back to the**  
 19 **community.**  
 20 Q. What types of legal issues would you help  
 21 prisoners confront?  
 22 **A. Being that we're not lawyers we would help**  
 23 **maneuver them through understanding like the law**  
 24 **library, for instance. You know, a guy may not know how**  
 25 **to Shepardize a case, so we would lead them that way**

1 **being that there was a change of law and many guys were**  
 2 **studying the law, they were familiar with how to file**  
 3 **motions and things of that nature.**  
 4 Q. Would this be in relation to like criminal  
 5 appeals or civil law?  
 6 **A. Both, but mostly criminal because being in prison**  
 7 **they are mostly guys that was -- you know.**  
 8 Q. Wanted to get out?  
 9 **A. Including myself.**  
 10 Q. Yeah, it makes sense. And then there was another  
 11 organization mentioned called the Chance for Life; what  
 12 was that organization about?  
 13 **A. Chance for Life is an organization that their**  
 14 **motto is be transformed by the renewal of your mind. We**  
 15 **had an objective to change the attitude and behavior and**  
 16 **activity of the prisoner. So we committed ourselves to**  
 17 **selecting a number of guys who were determined to change**  
 18 **the prison environment, such as stop catching tickets,**  
 19 **the stabbings and the fightings and things of that**  
 20 **nature. So we would allow them to come in and be a part**  
 21 **of the organization, of the group, and in turn our**  
 22 **outside representative, he would come in and we would**  
 23 **have transformation ceremonies in which you would**  
 24 **receive a certificate and things of that nature. So we**  
 25 **were just really geared with changing the environment of**

1 **the prison.**  
 2 Q. What kind of changes in the environment were you  
 3 looking for? I mean, aside from reducing the amount of  
 4 violence, was there any specific environmental change  
 5 that you were looking for?  
 6 **A. Yes, the mind set. We knew that the majority of**  
 7 **guys would eventually go home and they would go back**  
 8 **into a community. We wanted to try to teach them and**  
 9 **share with them the importance of responsibility, you**  
 10 **know, being responsible. Once you grow old, like many**  
 11 **of us did in prison, you know, I had a young -- my**  
 12 **daughters, they grew up while I was in prison and to see**  
 13 **them grow up from behind bars, that changes you, you**  
 14 **know, you have to look at things totally different. And**  
 15 **we were, you know, determined to do that. And it wasn't**  
 16 **just for the sake of getting out of prison because most**  
 17 **of us either had a life and some of us were going home**  
 18 **one day, you know, so we just decided that this is what**  
 19 **we want to do in accordance to the introduction because**  
 20 **it was something that was introduced to us by an outside**  
 21 **representative.**  
 22 Q. What type of outside representative are you  
 23 talking about?  
 24 **A. A business owner. I don't know whether or not I**  
 25 **should put this on the record, he's quite involved with**

1 **the MDOC, he runs a company downtown, a for profit, but**  
 2 **his non-profit sector deals with prisoner re-entry,**  
 3 **helping guys inside.**

4 Q. I don't necessarily think it's particularly  
 5 relevant to this case so I'm not going to dwell on that.

6 **A. Okay.**

7 Q. But I just wanted to know -- it was a vague term,  
 8 I just wanted to have a little better idea of who you  
 9 were talking about.

10 **A. Okay, that's no problem.**

11 Q. So about two years into your sentence you had a  
 12 conversation with your mom that -- or your mother that  
 13 led you to have certain realizations, and then as a  
 14 consequence of that you then began pursuing ways to make  
 15 changes, and that would include your Chance for Life and  
 16 the National Lifers; is that --

17 **A. That led me to that, yes.**

18 Q. And so when you -- when the time came that you  
 19 were actually released and you had the treatment  
 20 program, which I forget, what was the thing that you  
 21 called it?

22 **A. The assaultive offender.**

23 Q. The assaultive offender program. How did that  
 24 fit in with the work you had already been doing while  
 25 you were incarcerated?

1 **A. I would say it was more, what's the word, it went**  
 2 **more inside, it was more eso- -- it allowed me to**  
 3 **actually be able to understand. I was able to have an**  
 4 **understanding, you know, just being involved in**  
 5 **something and to get to that point knowing that you're**  
 6 **about to go into a whole new world, a whole new sphere**  
 7 **of activities, you know, that somewhat culminated**  
 8 **everything, that somewhat gave me an understanding as to**  
 9 **what it was I was going to do coming home and a better**  
 10 **perspective on violent crimes.**

11 Q. Would it be fair for me to say that you, by that  
 12 point, already decided that you weren't going to do any  
 13 more violent crimes?

14 **A. Oh, yes.**

15 Q. What type of -- more specifically, what type of  
 16 understanding did you arrive at, what decisions did  
 17 you -- are you describing about the direction you were  
 18 going to go in?

19 **A. To challenge the criminal mind.**

20 Q. What do you mean by that?

21 **A. Meaning, as I shared with the attorneys the other**  
 22 **day, I'm the type of person that -- I like to challenge**  
 23 **stigmas, so to say. And we know that in coming from**  
 24 **where I grew up in a black community, you know, you**  
 25 **don't have too many responsible people. So I wanted to**

1 **change this picture of black men, young and old, that**  
 2 **like to females I'm not a dog, you know, some people say**  
 3 **all men are dogs. How do you know that, you never met**  
 4 **all men? I'm not one, you know. And there was a**  
 5 **challenge amongst us inside about getting a job.**

6 **I was of the belief it's not hard to get a**  
 7 **job, and that's a challenge, and I think that helped**  
 8 **tear down, you know, the thought of criminal -- a**  
 9 **criminal mind, recidivism and all of those things,**  
 10 **coming home, being with family, you know, just the**  
 11 **overall umbrella of being responsible. To me I think**  
 12 **that's -- that's a worthy challenge of any man, you**  
 13 **know, growing up where you're looked at as though you're**  
 14 **not responsible.**

15 Q. You spoke a moment ago about learning empathy or  
 16 developing a sense of empathy.

17 **A. Uh-huh.**

18 Q. What specifically -- as you look back on your own  
 19 crime how does that relate to it?

20 **A. Well, I wrote a letter to the prosecuting**  
 21 **attorney and asked her to -- or him to give it to the**  
 22 **victims, [REDACTED] and [REDACTED] because being empathetic, that**  
 23 **could have been my mom, that could have been my little**  
 24 **boy, that could have been me. And you have a fool like**  
 25 **me doing something like that. So I understood so I put**

1 **myself there and I was seeking forgiveness from that**  
 2 **perspective, you know, so I understood. Like I said, it**  
 3 **could have been one of my family members.**

4 Q. Did you keep a copy of the letter that you sent?

5 **A. No. I probably did but it's probably stored in**  
 6 **my foot locker.**

7 Q. Approximately when would you have sent that  
 8 letter?

9 **A. Ms. Granholm was the governor.**

10 Q. Okay. So some time between -- some time after  
 11 2002?

12 **A. Yes, I was in [REDACTED] I was up north, a stone's**  
 13 **throw away from Wisconsin.**

14 Q. So you were still incarcerated at the time you  
 15 sent the letter?

16 **A. Yes, yes, between '95 and 2,000, it was in that**  
 17 **time period.**

18 Q. Just so that I understand, the assaultive  
 19 offender program, were you still incarcerated at the  
 20 time or was that already after you were released?

21 **A. No, that was a prerequisite to release.**

22 Q. So something they make you do before they let you  
 23 out?

24 **A. Yes, sir.**

25 Q. Okay. So that's while you were in [REDACTED] at the

1 time?

2 **A. No, I was in [REDACTED] when I sent the letter.**

3 Q. Where was the assaultive offender program?

4 **A. In [REDACTED] in [REDACTED]**

5 Q. And did you go to [REDACTED] after [REDACTED]

6 **A. No, before.**

7 Q. So the letter wasn't in response to the

8 assaultive offender program?

9 **A. No, that's something I did way before the**

10 **assaultive offender's program.**

11 Q. So the letter would have been written some point

12 after 2002 but before you started the assaultive

13 offender program?

14 **A. Yes.**

15 Q. Which would have been some months before your

16 release?

17 **A. No, some years before I was released.**

18 Q. The assaultive offender --

19 **A. The letter was written some years before I was**

20 **released.**

21 Q. The letter was. How long prior to your release

22 did you take part in the assaultive offender program?

23 **A. Repeat the question.**

24 Q. How soon -- in what -- how much time elapsed

25 between the assaultive offender program and your

1 release?

2 **A. I'd say a year. Nine months I believe, roughly.**

3 Q. Roughly less than a year prior to your release?

4 **A. Right.**

5 Q. And then the letter was some years before that?

6 **A. Yes.**

7 Q. What made you write the letter?

8 **A. Again, being so far away I -- you know, I had**

9 **come to realize that how can I consciously come home?**

10 **That was a form of closure to me, to apologize. So I**

11 **just felt the need to apologize and that's the way I**

12 **chose to do it. I know I couldn't contact them direct,**

13 **so that's how I chose to do it.**

14 Q. Do you have any knowledge of whether or not the

15 prosecutor forwarded the letter on to the victims or --

16 **A. I believe, I believe they did get it.**

17 Q. Okay. What makes you -- what leads you to

18 believe that?

19 **A. Well, I know of them because I worked at the**

20 **place, and they knew of someone who probably knew of**

21 **someone, but I just got a feeling that they did get it.**

22 **I don't know -- I don't have no actual fact that they**

23 **received it.**

24 Q. You've never had any further contact with them

25 after your release or anything like that?

1 **A. No, no.**

2 Q. Just to go back to it, the Mc- -- you robbed the

3 McDonald's that you worked at. Was this the manager

4 that you had worked with?

5 **A. Yes, I had worked with her before but not**

6 **directly.**

7 Q. How long did you work with her?

8 **A. What do you mean worked -- she was an employee**

9 **there on a particular shift that I wasn't, so probably**

10 **in passing or something like that. But working directly**

11 **with her, I never worked directly with her.**

12 Q. You worked at the McDonald's at the same time but

13 not directly under her as a supervisor?

14 **A. Exactly.**

15 Q. How long did you work at the same McDonald's

16 together?

17 **A. I would say about six months.**

18 Q. And did you know her prior to that or outside of

19 the McDonald's?

20 **A. No.**

21 Q. And had you met her son prior to the robbery?

22 **A. Just in passing, him being there like coming and**

23 **going.**

24 Q. How many times do you think you've met him or

25 seen him?

1 **A. Twice.**

2 Q. In that same six month period of time?

3 **A. Uh-huh.**

4 Q. Had you had any conversations or -- with [REDACTED]

5 other than -- or is it just maybe hi, you know, passing

6 hello?

7 **A. Yeah, never no conversation.**

8 Q. Let me ask you some questions about your

9 registration.

10 **A. Okay.**

11 Q. When did you first register as a sex offender?

12 **A. About a month -- about a week or so after I had**

13 **been released I was told to report to the [REDACTED] County**

14 **Sheriff.**

15 Q. And why [REDACTED] County?

16 **A. Because that's where my case originates out of**

17 **[REDACTED] County and that's where they was going to be**

18 **paroling me to a halfway house, so to say.**

19 Q. And when did you learn that you would have to

20 register?

21 **A. When I was incarcerated, upon release.**

22 Q. So they told you at sentencing?

23 **A. No.**

24 Q. Okay. At the time you were released?

25 **A. At the time I was released.**

1 Q. And just so that we're clear on the record, what  
 2 year would that have been?  
 3 **A. 2009.**  
 4 Q. 2009, okay. At the time that you  
 5 registered -- at the time you were told you would have  
 6 to register were you told why?  
 7 **A. Yes.**  
 8 Q. What were you told?  
 9 **A. Because of me pleading no contest to kidnapping.**  
 10 Q. Was it -- were your registration requirements  
 11 ever explained to you by anyone?  
 12 **A. Yes.**  
 13 Q. Who would that have been?  
 14 **A. Parole agents.**  
 15 Q. And what did the parole agents tell you about  
 16 your registration requirement?  
 17 **A. Oh, wow. We went through it line by line and**  
 18 **they explained to me when to go register, what I was**  
 19 **allowed to do and not to do, where I was allowed to go**  
 20 **and not to go, what I had to register, and basically**  
 21 **that's it.**  
 22 Q. I have here in my hand a copy of the responses to  
 23 the first set of interrogatories, requests for  
 24 production of documents, and requests to admit. I'm  
 25 going to hand you the packet here and direct your

1 attention to the page which has a Bates stamp of 20. I  
 2 would like you to take a look at page 20 and tell me if  
 3 this is the sheet that you recall filling out or seeing  
 4 in 2009 when you were released?  
 5 **A. Yes.**  
 6 Q. So this is a document entitled the explanation of  
 7 duties to register as a sex offender?  
 8 **A. Okay.**  
 9 Q. And are those your initials on each line?  
 10 **A. Yes.**  
 11 Q. And is that your signature at the bottom of the  
 12 page?  
 13 **A. Yes.**  
 14 Q. And so this would have been the sheet that you  
 15 went line by line through and the parole agents would  
 16 have told you about the duties and what you had to  
 17 register?  
 18 **A. Yes.**  
 19 Q. And then while we're at it on the pages with the  
 20 stamp of 16 through 19 is another explanation of duties  
 21 to register as a sex offender, which is dated July 6th  
 22 of 2011. Are these also your initials and signature on  
 23 those pages?  
 24 **A. Yes.**  
 25 Q. And at the time that you filled out this document

1 did the officer go through the sheet with you again?  
 2 **A. Yes.**  
 3 Q. Did you have any questions in 2009 for the parole  
 4 agents about any of the paragraphs here on the page  
 5 marked 20?  
 6 **A. Yes.**  
 7 Q. What questions did you have?  
 8 **A. My initial question was I robbed a McDonald's,**  
 9 **why do I got to sign up on the register for sexual**  
 10 **offender? I was just trying to get an understanding of**  
 11 **this because it was all new. However, I just wanted**  
 12 **some clarity in regards to his time line upon which I**  
 13 **had to go and register.**  
 14 Q. Okay. And what did they tell you?  
 15 **A. He wanted me to register the week of coming in to**  
 16 **see him. Although I had 15 days to go and register, he**  
 17 **wanted me to register prior to coming to see him. So**  
 18 **every time I came to see him he wanted me to register,**  
 19 **so I just had to -- I just wanted some clarity on that**  
 20 **and my family wanted clarity on that.**  
 21 Q. Did you have any other questions?  
 22 **A. No.**  
 23 Q. And following that initial registration in 2009  
 24 did you continue to register?  
 25 **A. Yes.**

1 Q. And then in 2011 you were given this newer  
 2 explanation of duties; is that fair?  
 3 **A. Yes.**  
 4 Q. At the time that you were given the new  
 5 explanation of duties did you have any questions for the  
 6 officer?  
 7 **A. No.**  
 8 Q. Subsequent to that initial occasion in 2011 when  
 9 you were given this new explanation of duties have you  
 10 had any questions about the terms of your registration  
 11 requirements?  
 12 **A. Yes.**  
 13 Q. Have you sought answers to those questions from  
 14 any law enforcement officers?  
 15 **A. From my parole agent.**  
 16 Q. What has your parole agent told you -- let me ask  
 17 you this, what questions did you have for your parole  
 18 agent?  
 19 **A. It was said that they had a team of officers who**  
 20 **come, you know, to check and see whether or not you're**  
 21 **there and the manner upon which they were doing it, you**  
 22 **know, I had a question about.**  
 23 Q. What was your specific question?  
 24 **A. Them going to everybody's door pointing me out,**  
 25 **you know, saying that do you know that this guy is a sex**

1 offender.

2 Q. When you say going to everyone's door, it would  
3 be your specific residence, correct?

4 **A. Yes. I was staying in an apartment complex.**

5 Q. Right. Was it your understanding that they would  
6 contact your landlord or what was the source of your  
7 concern?

8 **A. Yes, I under- -- well, the source of my concern**  
9 **was inciting fear, you know, the way in which they were**  
10 **doing it. Mind you, I never have a problem with no one**  
11 **doing their job. However, it seemed as though those**  
12 **group of officers, whether they was parole agents or**  
13 **state police, made it a point, in my opinion, to instill**  
14 **fear into the residents.**

15 **And how I know is I was washing my clothes**  
16 **in the laundry room and there was one of the tenants who**  
17 **was quite liberal and who understood and was sharing**  
18 **with me. So I, in turn, asked my parole agent, you**  
19 **know, what are the procedures, you know, and if I may,**  
20 **you know, why? I'm not presenting no trouble.**

21 **And they said that that group of guys**  
22 **usually come out for the trouble making type of**  
23 **parolees. And I just had a question along those lines,**  
24 **but other than that I didn't have no questions.**

25 Q. And that's been since the 2011 form?

1 exhibits since they are all Bates stamped or page  
2 numbered.

3 (Whereupon Deposition Exhibit No. 1  
4 marked for identification.)

5 BY MR. GRILL:

6 Q. I'd like to direct your attention to page  
7 number -- what is page number 11 -- Bates stamped number  
8 11 in the packet there in front of you.

9 **A. You say bakes stamp?**

10 Q. Bates, at the bottom of the sheet there's going  
11 to be Doe v Snyder and then 0001.

12 MS. NELSON: It's just the numbers. It's  
13 the number that comes after the Bates stamp. I don't  
14 know why we call it Bates stamping.

15 BY MR. GRILL:

16 Q. So on that page there, this is a printout of your  
17 public sex offender registry detail. I would like you  
18 to take a minute to read the sheet here and let me know  
19 when you're done.

20 **A. Okay.**

21 Q. Is there any information on this sheet here, the  
22 printout of your registry entry, that you believe is  
23 inaccurate or untruthful?

24 **A. Yes.**

25 Q. What is that, please?

1 **A. Yes.**

2 Q. Have you ever asked your parole agent about any  
3 of the terms concerning your vehicle usage?

4 **A. No.**

5 Q. Have you ever asked your parole agent any  
6 questions about your internet usage?

7 **A. No.**

8 Q. Have you ever asked your parole agent any  
9 questions about where you can be in relation to a school  
10 building?

11 **A. No. All these things were explained to me so I**  
12 **didn't have no further questions.**

13 Q. That's fine. Sometimes I just -- I have to ask  
14 questions for --

15 **A. I understand, I understand. And I'm not being**  
16 **facetious or sarcastic, I'm just saying I understood**  
17 **when they told me, [REDACTED] don't go here; [REDACTED]**  
18 **don't go there.**

19 Q. And I didn't think you were. You've got the  
20 packet there still in front of you.

21 **A. Uh-huh.**

22 MR. GRILL: Why don't we go ahead and mark  
23 the whole packet as Exhibit 1. And then that way --  
24 there's only going to be the one exhibit. I think I'm  
25 going to do it that way rather than several individual

1 **A. Address.**

2 Q. The address?

3 **A. Uh-huh.**

4 Q. Which is the street address?

5 **A. Yes. I'm assuming because this is the old one, I**  
6 **just most recently had my address updated the last**  
7 **registry date.**

8 Q. I think there's actually a sheet for that.

9 **A. Right.**

10 Q. Okay. So the address there, and then on what is  
11 page number -- or Bates stamped number 15 there is an  
12 address verification receipt, and do you see that?

13 **A. No, that's been changed.**

14 Q. When did you move?

15 **A. October.**

16 Q. Oh, last month?

17 **A. Yes.**

18 Q. That would probably be why this information is  
19 not updated.

20 **A. That's why I said it was just recent.**

21 Q. Just recently, okay.

22 **A. Yes.**

23 Q. Is the address shown here on the sheet the  
24 accurate address for where you were prior to your move?

25 **A. Yes.**

1 Q. Any other information here on the printout of the  
2 website that is inaccurate or untrue?

3 **A. No.**

4 Q. Okay. I'm going to ask you some questions now  
5 related to the answers to your interrogatories, all  
6 right?

7 **A. Okay.**

8 Q. In interrogatory number two I asked to explain  
9 any reasons for claiming that the registration  
10 requirements interfere with your ability to use the  
11 internet. Your response to this was that you are afraid  
12 to use the internet because you are registered and you  
13 don't want to have to go report it in person. Why are  
14 you afraid to use the internet?

15 MS. AUKERMAN: Let's give him a minute to  
16 read the response.

17 BY MR. GRILL:

18 Q. Okay.

19 **A. As stated during the course of this**  
20 **interrogatory -- what do we call this?**

21 Q. This is a deposition.

22 **A. Deposition.**

23 MS. AUKERMAN: But the paperwork, you mean,  
24 the interrogatory?

25 THE WITNESS: Interrogatory, yes.

1 MS. AUKERMAN: As stated on the  
2 interrogatory?

3 THE WITNESS: But this deposition today, I  
4 try my best to work hard and accomplish my goal and in  
5 so doing I know that there are things I can do and I  
6 can't do. I'm not going to involve myself in anything  
7 that's going to take me away from that goal.

8 BY MR. GRILL:

9 Q. Okay.

10 **A. Being that I've been incarcerated so long, the**  
11 **internet and iPhones and this technology doesn't**  
12 **interest me, it doesn't -- I don't have no desire to do**  
13 **those things. And in so being it's time consuming for**  
14 **me to have to say, well, I want to go and get on the**  
15 **internet for this, however, before I do let me call you**  
16 **or go to the police station and say, hey, you guys, I**  
17 **need to register this information.**

18 Q. Okay.

19 **A. And I think that just takes out of my time, of me**  
20 **trying to do the things I'm setting out to do, you know.**  
21 **So with that being said I just don't see no need to just**  
22 **be doing that.**

23 Q. Now, you do have or you did list here in answer  
24 to interrogatory number three two email accounts?

25 **A. Uh-huh.**

1 Q. Have you identified those email accounts on your  
2 quarterly registration?

3 **A. Not each time, they don't require, as long as I**  
4 **have it listed.**

5 Q. But you did once?

6 **A. Yes, yes.**

7 Q. When you opened the email accounts you registered  
8 them?

9 **A. Yes.**

10 Q. Have you or did you believe it was necessary to  
11 register your Chase Bank account, your People's Trust  
12 Credit Union account, your Huntington Bank account, or  
13 your Blue Cross/Blue Shield account?

14 **A. You said where is that now?**

15 Q. In answer to interrogatory number three, these  
16 are the internet accounts that you've opened or  
17 maintained.

18 **A. Okay, okay. Now what was your question again,**  
19 **sir?**

20 Q. Basically the bank and your Blue Cross account,  
21 did you register those?

22 **A. No, because I -- they were job related and I just**  
23 **didn't feel the need. I thought it's information they**  
24 **already have because I already let them know where I**  
25 **work and what I do.**

1 Q. Has any law enforcement officer ever told you  
2 that you need to register your bank or Blue Cross  
3 accounts?

4 **A. No.**

5 Q. Similarly for your Pandora account?

6 **A. No.**

7 Q. Do you use Pandora to interact or communicate  
8 with other people?

9 **A. No.**

10 Q. And similarly has any law enforcement officer  
11 ever told you that you need to register your Pandora  
12 account?

13 **A. No. No, no.**

14 Q. That was a no?

15 **A. No, no.**

16 Q. Are there any internet websites or services that  
17 you would be interested in using that you do not  
18 currently?

19 **A. Yes.**

20 Q. What would those be?

21 **A. The Facebook. Primarily just the Facebook.**

22 Q. That's the only one you can think of?

23 **A. That's -- once this is resolved, that I would.**

24 Q. Can you think of any others?

25 **A. Kickstarter.com.**



1 Q. You would like to open a Kick Starter page?

2 **A. Yeah.**

3 Q. To start a business?

4 **A. Right.**

5 Q. What kind of business?

6 **A. In recycling and removal of plastic preferably.**

7 Q. Any others?

8 **A. No.**

9 Q. If the chief concern that you have in opening up

10 an internet account is the time, would it be possible

11 for you to open a Facebook account or Kick Starter

12 account close in time to your quarterly registration and

13 make it all part of one stop?

14 **A. One more time.**

15 Q. You register quarterly, correct?

16 **A. Uh-huh.**

17 Q. And during a quarterly registration you could

18 register any internet identifiers that you have?

19 **A. Uh-huh.**

20 Q. So wouldn't it be possible to open a Facebook

21 account or a Kick Starter page around the time that your

22 quarterly registration comes up and make it part of your

23 quarterly registration?

24 **A. Yes, but that's just -- it's too complicating.**

25 **Me, my mind set, I want to get in because I'm taking off**

1 **from work already to go and register. And for me to**

2 **have to sit there and submit all of these things, that**

3 **to me is not priority, it's not important to stop me**

4 **from getting back to work, you know, or spending time**

5 **with my family or subjecting me to any other unnecessary**

6 **scrutinies, I don't even give no thought to it, you**

7 **know. Other than my vehicle, if my vehicle breaks down**

8 **and I need another vehicle, I have caught the bus**

9 **before, but that's just -- it's complicated. I don't**

10 **feel the need to have to go there because it just**

11 **interferes with me trying to stay on a straight path,**

12 **you know.**

13 Q. Is it your understanding that you are prohibited

14 from opening a Facebook account or a Kick Starter page

15 or anything like that as a term of your sex offender

16 registration?

17 **A. Yes.**

18 Q. Is it part of the actual statute that says that a

19 sex offender can't have a Facebook page?

20 **A. No. I don't know, you know. I'm not aware. And**

21 **here again, when they told me internet, you're**

22 **prohibited from dealing with that, all that is up under**

23 **the umbrella so I don't even bother any of it, because,**

24 **again, I want to be free.**

25 Q. Well, and that's kind of what I'm getting at is

1 when the explanation of duties was -- you know, when

2 they went over it with you, was it your understanding

3 that you had to provide your identifying information,

4 your account names, or was it explained to you that you

5 just can't have one of these accounts?

6 **A. Oh, I can't recall.**

7 Q. If we were to turn back to page 16.

8 **A. Uh-huh.**

9 Q. This is the most recent explanation of duties,

10 paragraph four, and that's got your initials next to it.

11 **A. Okay.**

12 Q. And in subsection -- I always have to look for

13 it each time, subsection I, and this is the information

14 that you are required by law to provide and it states

15 all electronic mail or email addresses, instant message

16 addresses assigned to you that you routinely use and all

17 log in names or other identifiers that are used when

18 using email or instant messaging. And that is the

19 information you're required to provide.

20 **A. Uh-huh.**

21 Q. Is there any part of that that says that you

22 can't have any of those things?

23 **A. Yes.**

24 Q. What part of it says that you can't have it?

25 **A. The log in names, don't you -- I would assume**

1 **that you need log in names to do the Facebook. I do not**

2 **know because I never ventured to try to find out. So I**

3 **would assume that by being electronic, I would assume**

4 **they talking about the internet log in as well.**

5 Q. Right. And, again, my question here is just, you

6 know, paragraph four starts out by saying, upon

7 registering as a sex offender I am required by law to

8 provide the following information, and then subsection I

9 talks about this is your log in name and email

10 addresses.

11 **A. Right.**

12 Q. But subsection I here and all this, that doesn't

13 say you can't have an email address, it just says that

14 you have to register -- that it needs to be included in

15 your registration, correct?

16 **A. Okay, understood.**

17 Q. So, again, my question is basically is it your

18 under- -- do you understand that you can have an email

19 account, you just have to register it?

20 **A. Yes, sir, I understand that. But you understand**

21 **why I don't?**

22 Q. I think you said it's the time consuming part of

23 registering.

24 **A. And then having a Facebook, that exposes me more.**

25 Q. How does it expose you more?

1 **A. I believe that that's a worldwide web, that's a**  
 2 **part of the worldwide web, right? So the only thing you**  
 3 **got to do, from my understanding of it, is hit my name**  
 4 **and this ugly monster pops up, this guy is a freak. Who**  
 5 **want to deal with a guy like that? I don't.**

6 **And I want to do business, I want to solicit**  
 7 **this woman to do business, this young man, this person.**  
 8 **In my mind, once I expose myself to that I have to deal**  
 9 **with that, that becomes another hurdle for me, unless**  
 10 **there's something that you know where I can push a**  
 11 **button to erase the ugly man and do business, but I'm**  
 12 **aware that I may be able to do this, but I just....**

13 Q. When you say the ugly man, what part -- you know,  
 14 what is it that you're concerned about there? I want  
 15 to -- I think I get what you're saying, but I want to  
 16 make sure it's clear here. When you say that you're  
 17 worried that someone would tap a button and pull it up,  
 18 what is the specific concern that you have?

19 **A. If I decide to go in business, which I do, I want**  
 20 **to use every marketing tool available to me. And I**  
 21 **believe with this mass media Facebook is one of them. I**  
 22 **would be wasting my money and my time to go in there and**  
 23 **deal with that knowing that once they discover [REDACTED]**  
 24 **[REDACTED] is a sex offender, I lose out because I'm not**  
 25 **going to be able to become a successful businessman.**

1 **This is how I see it. So I choose not to even deal with**  
 2 **it.**

3 Q. Is what you're saying to me that you believe that  
 4 on your Facebook page itself it would say sex offender,  
 5 or is it that you're concerned -- what is the specific  
 6 nature of your concern there?

7 **A. I don't know. I don't know. However, I do know**  
 8 **that information about me, the only thing you have to do**  
 9 **is type in a name, from my understanding, and all this**  
 10 **stuff will just jump up, you know. So even if I did**  
 11 **apply for the Facebook and somebody wanted to just**  
 12 **Google who is this person, you know, Angie's List, I'm**  
 13 **going to be in a different column. Angie going to tell**  
 14 **him don't deal with this guy. I found him on my**  
 15 **Facebook saying I could come and cut her grass. Angie**  
 16 **tells her don't deal with this gentleman. This is how I**  
 17 **see it.**

18 Q. Have you looked into the terms of use for  
 19 Facebook or Angie's List or any of that?

20 **A. No, no, I'm surrounded -- no, no.**

21 Q. All right. Have you tried Googling yourself  
 22 right now today?

23 **A. No.**

24 Q. You wouldn't know what information pops up?

25 **A. Prior to coming -- prior to being released, you**

1 **know, people try to follow you, see when you're coming**  
 2 **home. This is how I found out about all of that. You**  
 3 **know, the internet is such a vast -- it's a worldwide**  
 4 **web, you can find out anything about people. So prior**  
 5 **to me coming -- being released I knew that there was**  
 6 **accessible to people and I just didn't have no desire to**  
 7 **even want to deal with it.**

8 Q. Do you know whether or not sex offender registry  
 9 pages pop up on a Google search?

10 **A. No, I don't.**

11 Q. Have you tried contacting anyone in the  
 12 prosecutor's office if you had any questions about the  
 13 terms of use or what was restricted on the internet?

14 **A. No. Not the prosecutor's office, no.**

15 Q. Law enforcement office?

16 **A. Only my parole agent.**

17 Q. And what did you ask your parole agent about the  
 18 internet?

19 **A. I didn't ask him per se specifically. I was**  
 20 **going to learn how to use the computer down here at the**  
 21 **public library, they offer free classes, and I asked for**  
 22 **permission to go and they asked what was involved and**  
 23 **things of that nature. And they told me what I can and**  
 24 **cannot do being that I did not have a sex crime. At the**  
 25 **time I think the law done changed, now I'm a tier three,**

1 **which I really can't do anything.**

2 **But at that time they said as long as I'm**  
 3 **aware of it you can. So I told her I would like to**  
 4 **bring a laptop to her office, and she said I can so I**  
 5 **can show her what I needed to do in order for me to have**  
 6 **this job. And she got me through it and that was it.**

7 Q. Why did you need the parole agent's permission to  
 8 go to the library?

9 **A. Because I didn't know whether or not I'm allowed**  
 10 **to go to any of these things and I just wanted to make**  
 11 **sure that I was doing the right thing because I did not**  
 12 **want to violate.**

13 Q. Did the parole agent indicate to you that you  
 14 needed to get her permission to go to the library?

15 **A. At the time I had -- it was a gentleman and he**  
 16 **said, yeah, I needed to get permission from him.**

17 Q. And was it because of the registry or was there  
 18 some other term about it?

19 **A. Well, he wasn't the type of parole agent I would**  
 20 **want even to go any further. He said no, I left it at**  
 21 **that.**

22 Q. What was the name of your parole agent at the  
 23 time?

24 **A. I can't think of the guy, he's in [REDACTED] It**  
 25 **will come to me during the course of here.**



1 Q. If you remember at some point as we go forward  
 2 just let me know.  
 3 **A. Okay.**  
 4 Q. For right now I'll accept to say that you can't  
 5 put a finger to his name or can't recall.  
 6 **A. Okay.**  
 7 Q. And so the parole agent at the time told you you  
 8 couldn't go to the library and then at some point later  
 9 on you wanted to take this class and so you came back to  
 10 the parole agent and asked?  
 11 **A. Uh-huh.**  
 12 Q. And they told you you could?  
 13 **A. He told me I couldn't.**  
 14 Q. He told you you couldn't?  
 15 **A. He told me I couldn't.**  
 16 Q. Did he give you a reason why? Did he give any  
 17 further explanation?  
 18 **A. No, and I didn't want one from him.**  
 19 Q. Okay. Are there any -- apart and aside from any  
 20 part of the sex offender registry, are there terms and  
 21 conditions on your parole that affect where you can and  
 22 can't go?  
 23 **A. That was on my parole at the time?**  
 24 Q. Uh-huh.  
 25 **A. Yes.**

1 Q. Do you recall what those conditions were?  
 2 **A. Yes, I couldn't go and visit -- my mother passed**  
 3 **prior to me being released and that's where most of my**  
 4 **siblings were and I had young sib- -- relatives. I**  
 5 **wasn't allowed to go over there.**  
 6 Q. Why was that?  
 7 **A. Because they was all up under the age of 18 or 14**  
 8 **something, 18 I believe it was.**  
 9 Q. And that was --  
 10 **A. I had nieces and nephews that was that age so I**  
 11 **wasn't allowed on parole to be with them.**  
 12 Q. And that was a term of your parole?  
 13 **A. (Nodding head up and down.)**  
 14 Q. Were there other terms of your parole that you  
 15 can recall?  
 16 **A. No.**  
 17 Q. Is it that you can't recall them or that there  
 18 were no other terms and conditions?  
 19 **A. I can't recall. That was the biggest one for me,**  
 20 **you know, so -- and I think all of them was somewhat**  
 21 **inter-related so if I can't be around them I just stayed**  
 22 **in my apartment for two years straight.**  
 23 MS. NELSON: Do you want a break?  
 24 THE WITNESS: No, no.  
 25 MR. GRILL: Okay, I was about to ask.

1 THE WITNESS: No.  
 2 BY MR. GRILL:  
 3 Q. Is it your understanding that the sex offender  
 4 registry or your sex offender registration requirements  
 5 prohibit you from accessing certain parts -- and I say  
 6 specifically by the language of the law or the language  
 7 of the requirements that were explained to you, are  
 8 there specific things in the internet that you are  
 9 barred from using as a term of the sex offender  
 10 registration? Do you understand my question or can I --  
 11 **A. Yes, I do. However, as I stated, internet is the**  
 12 **internet, I don't have no desire to search it. They say**  
 13 **internet, I leave it alone. Like you said, I'm allowed**  
 14 **to have the Facebook, I just have to register it. To me**  
 15 **that's internet.**  
 16 **The reason I didn't even pursue it, because**  
 17 **it's internet, not that this person didn't explain it,**  
 18 **they explained it, I had a couple people to explain it,**  
 19 **but in [REDACTED] mind I'm going to just leave it alone**  
 20 **entirely because I'm still trying to get an**  
 21 **understanding as to why I'm even dealing with it, you**  
 22 **know, having to deal with this after I robbed a**  
 23 **McDonald's. So, again, with all due respect to you I**  
 24 **just I can't --**  
 25 Q. No, that's fine, I think that's about as much of

1 an answer to the question I can expect. Thank you very  
 2 much. Now, I note from the answers to interrogatories  
 3 it indicates that you have two children. One is  
 4 entering the tenth grade and one is two years old.  
 5 **A. I have two adult children. Those were -- those**  
 6 **are children from a relationship I'm in now.**  
 7 Q. Okay. So the EM and DH indicated here in your  
 8 answers to interrogatories are the children through a  
 9 relationship you have right now?  
 10 **A. Yes.**  
 11 Q. And then you have two adult children that you had  
 12 before being convicted?  
 13 **A. Yes, sir.**  
 14 Q. Is it fair for me to assume that your adult  
 15 children are no longer in school?  
 16 **A. Right.**  
 17 Q. The same answer to the interrogatory indicates  
 18 that EM is the daughter of your fiancée. You are  
 19 currently engaged to be married?  
 20 **A. Yes.**  
 21 Q. And then is DH also the offspring of your fiancée  
 22 or is he your son?  
 23 **A. Yes.**  
 24 Q. Or is that the answer to both?  
 25 **A. Yes, both.**

1 Q. So he is your son through your fiancée?

2 **A. Yes.**

3 Q. Since your son is two years old, has he started

4 school yet?

5 **A. No.**

6 Q. He's got a couple years yet to go?

7 **A. Yes.**

8 Q. Does he live with you?

9 **A. Yes.**

10 Q. And similarly with EM, she shares the house with

11 you and your fiancée?

12 **A. Yes.**

13 Q. As it regards parks or playgrounds, is that the

14 type of thing that you currently do with your son?

15 **A. No.**

16 Q. Is that the type of thing that you want to do

17 with your son?

18 **A. Yes.**

19 Q. Is there a reason why you do not take your son to

20 parks or playgrounds?

21 **A. Because from my understanding it makes me**

22 **non-compliant with the registry.**

23 Q. Have you talked to your parole agent or any law

24 enforcement officer about that issue?

25 **A. No.**

1 Q. Have you contacted -- have you asked the

2 prosecutor or contacted the prosecutor's office to

3 inquire as to what is or is not allowed as far as

4 visiting parks or playgrounds?

5 **A. No.**

6 Q. You indicated in answer to interrogatories nine

7 and ten that you do not have knowledge of the parks or

8 playgrounds in the area surrounding your residence.

9 **A. Other than visual, you know, driving past the**

10 **park or whatever.**

11 Q. Do you know, is there a park nearby to where you

12 live?

13 **A. Yes, some distance away.**

14 Q. And I'm not asking for like a specific range, but

15 is it a walkable distance?

16 **A. It can be.**

17 Q. Kind of like at the outer edge of that, it would

18 be a bit of a walk?

19 **A. It's far away, you know. Walking distance to me,**

20 **I can walk two miles, you know.**

21 Q. But it would be a long walk?

22 **A. It's a long walk.**

23 MS. NELSON: Might we take a break now?

24 MR. GRILL: Sure if we need one, why don't

25 we take about five or ten minutes.

1 (A recess was taken.)

2 BY MR. GRILL:

3 Q. I think when we left off we were talking about

4 playgrounds and that kind of thing. Just to be clear,

5 you know, do you -- is there a reason that you don't go

6 to playgrounds or parks?

7 **A. Yes.**

8 Q. And what is that reason?

9 **A. I don't understand my responsibility, and more**

10 **importantly I'm just in fear of the consequences of not**

11 **doing the wrong -- not doing what's right and being in**

12 **the right place so I just don't.**

13 Q. Is there a particular part of the explanation of

14 duties sheet that leads to this fear that going to a

15 park may cause you some problems?

16 **A. One more time.**

17 Q. You've got the explanation of duties sheet, which

18 is I think before you, or we've looked at it already a

19 couple times. Is there a particular part of this sheet

20 or what's been explained to you as your duties as a

21 registered sex offender that causes you a concern about

22 parks specifically?

23 **A. Yes, I believe that it's just so they -- on both**

24 **ends I believe from the law enforcement part to me and**

25 **my family trying to understand it all, I just don't want**

1 **to subject any of them let alone myself so we just play**

2 **in the driveway. I will go get him a ball, I will get**

3 **him a makeshift little hoop and we just stay in front of**

4 **the house. I'm not going to subject him to that.**

5 Q. Is it your belief or your understanding that all

6 parks and playgrounds are off limits or only those that

7 are adjacent to schools?

8 **A. All.**

9 Q. And what is that based upon, why do you think

10 that?

11 **A. Because it's just a playground. I never was**

12 **told -- or it's just all playgrounds, my belief it's**

13 **just all playgrounds.**

14 Q. Have you asked any law enforcement officer or

15 prosecutor about that?

16 **A. No, not that specific one.**

17 Q. Now, your fiancée's daughter, and I may have

18 already asked this and if I have I apologize, I'm not

19 trying to belabor the point, is she your daughter?

20 **A. No.**

21 Q. Do you plan on adopting her?

22 **A. Yes.**

23 Q. Following the marriage?

24 **A. We haven't gotten to that point yet.**

25 Q. But that's the idea long term?

1 **A. Well, because of this, the uncertainties of all**  
 2 **of this, and as I say, my fears of subjecting anyone to**  
 3 **any of these, any of these stipulations that I clearly**  
 4 **don't have an understanding of and that I can't -- and I**  
 5 **don't believe that they have an understanding of so I**  
 6 **don't want to subject them to it, as I said in the**  
 7 **earlier part of this here.**  
 8 Q. What do you mean by that, what would you be  
 9 subject -- what would she be subjected to as far as  
 10 registration?  
 11 **A. It would be very embarrassing, and here**  
 12 **again -- to have to lie just to be in a relationship**  
 13 **because people don't understand this stuff. I can't**  
 14 **have no healthy and wholesome relationship with no one,**  
 15 **not even family because they don't understand it, I**  
 16 **don't understand it, and I'm not going to subject myself**  
 17 **to going to prison.**  
 18 **An officer -- even if I am right just on the**  
 19 **line of an officer questioning me if he was to run my**  
 20 **plate because I'm at a stoplight next to a park and I**  
 21 **have family or friends with me, that would frighten the**  
 22 **hell out of them so I don't even want to subject them to**  
 23 **it, you know, and it's hard, very hard. This is**  
 24 **why -- and I told -- I don't know which one I told, one**  
 25 **of the reasons why I haven't gotten married because I'm**

1 **in fear of one day losing something that I've grown to**  
 2 **love as my family because of this here. This is a**  
 3 **lifelong thing that I have to deal with. I don't**  
 4 **subject them to it period because I don't understand it.**  
 5 **And even if I was to come to them I don't**  
 6 **think they understand it, and even if you was to give me**  
 7 **an understanding it's just still in my mind to have to**  
 8 **subject them to it. And me being sent back to prison or**  
 9 **going to jail, that would disrupt my family.**  
 10 Q. So if I understand your answer correctly, it's  
 11 not that you think that she would have to register or  
 12 anything like that, it would be the connection to you?  
 13 **A. I don't know.**  
 14 Q. Do you think that she might have to register?  
 15 **A. I don't know.**  
 16 Q. Have you -- I'll ask the question, I think you  
 17 gave me the answer, but just to be clear, have you  
 18 followed up on that with your parole officer or any law  
 19 enforcement officer at the time of registration or any  
 20 prosecuting attorney about whether or not members of  
 21 your family would have registration requirements?  
 22 **A. No.**  
 23 Q. Let me ask the questions, your son is two years  
 24 old. He doesn't go to school yet so he doesn't have any  
 25 teachers yet?

1 **A. (Shaking head side to side.)**  
 2 Q. Would you be willing to speak to his teachers on  
 3 the telephone?  
 4 **A. No.**  
 5 Q. Would you be willing to exchange emails with his  
 6 teacher?  
 7 **A. While I'm on this registry?**  
 8 Q. Yes.  
 9 **A. No.**  
 10 Q. Would you be willing to meet with his teacher off  
 11 of school grounds?  
 12 **A. No. For what purpose?**  
 13 Q. To discuss his education.  
 14 **A. No.**  
 15 Q. And that's for all three of those questions, does  
 16 that change any of your answers about the telephone, the  
 17 email, or meeting them?  
 18 **A. No.**  
 19 Q. Would you have any interest in discussing his  
 20 education with his teachers?  
 21 **A. I'd go through his mom. No.**  
 22 Q. Is your fiancée's daughter, is her father in her  
 23 life?  
 24 **A. Yes.**  
 25 Q. Does he participate in her upbringing?

1 **A. Yes.**  
 2 Q. I note from your registration sheet that you do  
 3 register a vehicle, it's a [REDACTED] truck?  
 4 **A. Yes.**  
 5 Q. So you're familiar with the registration process,  
 6 you've done it?  
 7 **A. Yes.**  
 8 Q. Do you have any questions or uncertainty about  
 9 when you have to register a vehicle?  
 10 **A. No, I just continue to do how I do it while I was**  
 11 **on parole. It's like being on parole and I just**  
 12 **continue doing that.**  
 13 Q. You mentioned to me earlier that while you were  
 14 in prison you worked with groups that helped prisoners  
 15 do pro per lawsuits and that kind of thing. As part of  
 16 that did you yourself engage in any type of legal  
 17 research activity while you were in prison?  
 18 **A. Of my own?**  
 19 Q. Yes. Or on behalf of other people.  
 20 **A. Yes.**  
 21 Q. So you've got some familiarity with where you can  
 22 find laws and look up cases and that kind of thing?  
 23 **A. Yes.**  
 24 Q. Have you done any of that yourself as it regards  
 25 the sex offender registry and the requirements that you

1 have?

2 **A. Yes.**

3 Q. What efforts have you done in that regard?

4 **A. When I first came out I researched the MCO -- but**  
 5 **prior to coming out I filed a motion to a judge because**  
 6 **I read in the statute where, from my understanding, that**  
 7 **a judge can waive the statute and I was explaining to**  
 8 **them, you know, that it should be waived. So as far as**  
 9 **the research of the stipulations or the rules in and of**  
 10 **itself, I did read them but I did not understand them.**  
 11 **I still don't understand them. But that's as far as**  
 12 **I've gone as far as researching the law because I'm not**  
 13 **a lawyer, I don't understand thoroughly.**

14 Q. Just to be clear, the length of research you've  
 15 done on the law so far relates to --

16 **A. A motion that I filed.**

17 Q. A motion that you filed to have the judge waive  
 18 your requirements?

19 **A. Right. And along those lines I also read, you**  
 20 **know, the stipulations and, you know, whatever the**  
 21 **statute.**

22 Q. You read the explanation of duties and the  
 23 statute sections that they cite to you?

24 **A. Uh-huh. And as I told them, I didn't understand**  
 25 **it. It's in the motion that I filed.**

1 Q. Now, you have not been arrested since your  
 2 release for non-compliance with your registration  
 3 requirements?

4 **A. No.**

5 Q. Has any officer threatened to arrest you for  
 6 non-compliance?

7 **A. It wasn't a direct threat.**

8 Q. Tell me about it.

9 **A. We were traveling and we got pulled over, me and**  
 10 **my family, and the officer said over the -- her dispatch**  
 11 **that we have an SO, and I knew what she was referring**  
 12 **to. So she just made us wait and they were having**  
 13 **discussions and made us pull over and go through the car**  
 14 **and I overheard her kept saying about an SO, an SO.**

15 Q. To her radio?

16 **A. To her radio and to the other officer.**

17 Q. Okay, there were two officers together?

18 **A. Right.**

19 Q. Where was the stop? Where did it occur? Was  
 20 it --

21 **A. Here in the City of [REDACTED] It was the border.**  
 22 **It was like federal officers I guess they were.**

23 Q. Okay. And I think I read that in your  
 24 interrogatories that there was an occasion that you  
 25 crossed over into Canada.

1 **A. Right.**

2 Q. Crossed the bridge and then came back and in  
 3 customs there was an issue?

4 **A. Exactly. So I overheard them discussing it, you**  
 5 **know, and the nature -- okay, and I believe that....**

6 Q. Other than her stating SO over the radio and to  
 7 the other officer, did they say anything to you directly  
 8 about your --

9 **A. No, they didn't have to, it was self evident.**

10 Q. Were you arrested that day?

11 **A. Yes, I was.**

12 Q. And why were you arrested?

13 **A. I was arrested because I had an old warrant that**  
 14 **they did not clear prior to me being released from**  
 15 **prison.**

16 Q. And that was from Ohio?

17 **A. Right.**

18 Q. A 20 year old thing, right?

19 **A. Yes.**

20 Q. Did that get cleared up?

21 **A. Yes.**

22 Q. And, of course, it's kind of obvious but just so  
 23 that we're clear, the warrant wasn't related to your sex  
 24 offender registration in any way?

25 **A. No.**

1 Q. Have you ever been any place and had a police  
 2 officer or law enforcement officer of any kind tell you  
 3 that you weren't allowed to be there and, you know, you  
 4 have to leave?

5 **A. No.**

6 Q. I noticed from the documents that you produced,  
 7 one of the documents was a copy of your driver's  
 8 license, and you have an enhanced driver's license; is  
 9 that correct?

10 **A. Yes.**

11 Q. Why do you have the enhanced driver's license?

12 **A. I have a motorcycle. I wanted -- I was going to**  
 13 **purchase a motorcycle.**

14 Q. And I don't have a motorcycle so I honestly don't  
 15 know, do you need an enhanced driver's license to --

16 **A. Yeah, you have to have it endorsed and all that**  
 17 **in order to drive a motorcycle.**

18 Q. So it's not the kind of enhanced driver's license  
 19 about crossing the border that doubles as your  
 20 citizenship card or anything like that?

21 **A. Oh, yes.**

22 Q. It is that?

23 **A. You have to -- the enhanced driver's license is**  
 24 **for when you want to go over there.**

25 Q. And you got that only because you were thinking

1 about having a motorcycle?  
 2 **A. No, I was thinking about traveling.**  
 3 Q. Okay. Where were you thinking about going?  
 4 **A. I wanted to go to Niagara Falls and I also wanted**  
 5 **to go to -- I won a trip, I was given -- offered a trip**  
 6 **when I first came home to go to Bahamas but I couldn't**  
 7 **go because of this.**  
 8 Q. And what about your sex offender registration  
 9 kept you from leaving?  
 10 **A. Nothing. Again, not understanding it, I didn't**  
 11 **want to deal with it, I didn't want my family being**  
 12 **subjected to it and I was afraid of going back because**  
 13 **of any violation, being arrested, so....**  
 14 Q. I note from the documents that were provided you  
 15 have maintained aliases in the past; are those all  
 16 related to the days --  
 17 **A. Yes.**  
 18 Q. -- when you were selling drugs?  
 19 **A. Yes.**  
 20 Q. Do you currently use any of those aliases?  
 21 **A. No, sir.**  
 22 Q. Are there any specific words on the explanation  
 23 of duties sheet, which is on page 16 on the sheet there,  
 24 that -- like I say, are there any specific words on this  
 25 explanation of duties to register as a sex offender that

1 you are unsure of their meaning?  
 2 **A. I just don't understand any of it, you know,**  
 3 **so....**  
 4 Q. And, like I said, I know we've been through this  
 5 a lot here and I'm just trying to wrap up a few loose  
 6 ends.  
 7 **A. Okay.**  
 8 Q. Aside from the overall part of it, are there  
 9 individual words in here that you're unsure of?  
 10 **A. No.**  
 11 Q. Are you all right? Are you okay?  
 12 **A. Yes, yes, yes, yes, still trying to understand it**  
 13 **all.**  
 14 Q. All right, fine.  
 15 **A. That's all, man.**  
 16 Q. Is it fair to state that your main objection here  
 17 is that you do not believe that your offense was a  
 18 sexual offense?  
 19 **A. My main?**  
 20 Q. Right.  
 21 **A. Oh, yes.**  
 22 Q. How would you, if you were talking to the average  
 23 person on the street, how would you differentiate the  
 24 circumstances of your crime from someone else who  
 25 kidnapped a kid and ran off with them?

1 **A. There's no evidence of me doing so. I was**  
 2 **railroaded, with all due respect, not being funny,**  
 3 **though.**  
 4 Q. It wasn't my prosecution, so you're not hurting  
 5 my feelings.  
 6 **A. But you understand, though, right?**  
 7 Q. Right. Now, you are a parent, you have children?  
 8 **A. (Nodding head up and down.)**  
 9 Q. Do you believe that there should be a sex  
 10 offender registry for sex offenders? Like if there --  
 11 **A. My children?**  
 12 Q. No, no, no, no, no, no, let me rephrase this  
 13 because I really don't want to -- no, let me try that  
 14 question again. If there could be a sex offender  
 15 registry that didn't have you on it, do you think that a  
 16 sex offender registry should exist?  
 17 **A. That didn't have me on it?**  
 18 Q. Right.  
 19 **A. I don't understand your question. I just look --**  
 20 **I'm not the sharpest knife in the book.**  
 21 Q. I will try again.  
 22 **A. Come on.**  
 23 Q. This is a hypothetical question.  
 24 **A. Okay.**  
 25 Q. All right. Let's assume for the purposes of this

1 argument that you are no longer a sex offender, you're  
 2 not on the registry, you don't have to register any  
 3 more.  
 4 **A. Okay.**  
 5 Q. Would you still believe that there should be a  
 6 sex offender registry for child pornographers,  
 7 pedophiles, that kind of stuff?  
 8 **A. Yes.**  
 9 Q. Rapists?  
 10 **A. Yes, with certain stipulations, yes, I think it**  
 11 **should be individualized. I don't think it should be**  
 12 **blanket, I don't think it should be broad as it is.**  
 13 Q. And when you say individualized what do you mean?  
 14 **A. For instance, I am on it now and with the respect**  
 15 **that I do have for the law I believe that you guys have**  
 16 **enough intelligence to see that my crime or the**  
 17 **activities in my crime does not fit the overall intent**  
 18 **of this legislation, this is my belief. However, we**  
 19 **know that there are some heinous crimes that have been**  
 20 **committed and I believe that it should be tailored to**  
 21 **dealing with that individual. At the same time I**  
 22 **believe that there should be some parameter or some**  
 23 **process, if you will, to determine whether or not this**  
 24 **person is a threat or should be on there and this person**  
 25 **is. And then to also clip the ambiguity and the**

1 **confusion of this law.**  
 2 Q. So that I understand your answer, would it be the  
 3 idea that people go on the registry for what they've  
 4 done and then petition to be removed from it based on  
 5 their individual circumstances or would they only be put  
 6 on the registry based on their individual circumstances?  
 7 **A. The former, I believe, if they --**  
 8 Q. You get on the registry for the crime, but then  
 9 you could petition to be removed based on specific  
 10 circumstances?  
 11 **A. Yes. Do you have one for me?**  
 12 Q. Have you contacted any of your state legislators  
 13 to pursue changes to the statute along the lines of what  
 14 you propose?  
 15 **A. I decline to answer that at this moment.**  
 16 Q. If you'd like to take a moment and talk to your  
 17 counsel I can allow it but I don't believe that you have  
 18 the right to refuse to answer that question.  
 19 **A. Oh, don't put that on the record, I'm not**  
 20 **refusing.**  
 21 Q. No, no.  
 22 **A. It is my intent. I have things drafted up, you**  
 23 **know, and it is my intent, but per se I have spoken to**  
 24 **two of them personally, you know, preempting them to**  
 25 **what's about to take place, but I just decided to wait**

1 **for a minute.**  
 2 Q. Okay. So you've personally spoken to someone,  
 3 like a town hall or a coffee house meeting or something  
 4 and --  
 5 **A. I met John Conyers and we just had small talk**  
 6 **because he wasn't able to talk but I did inform him that**  
 7 **I will be contacting him. But I didn't tell him the**  
 8 **nature, we didn't go off into the nature of that.**  
 9 Q. And Mr. Conyers is a United States Congressman?  
 10 **A. U.S., right.**  
 11 Q. Have you contacted your state representatives?  
 12 **A. No.**  
 13 Q. Your state senator?  
 14 **A. No.**  
 15 Q. Governor Snyder?  
 16 **A. I spoke to him but not about this. Do you think**  
 17 **I should?**  
 18 Q. I'm not the guy to ask.  
 19 MS. NELSON: Don't you work for Snyder?  
 20 MR. GRILL: I work for the people of the  
 21 State of Michigan.  
 22 THE WITNESS: I like that answer. Do you  
 23 believe the people of the State of Michigan --  
 24 BY MR. GRILL:  
 25 Q. We're still on the record. One last thing I

1 wanted to ask you and then I believe that's all I have,  
 2 in your request to admit I asked whether -- you to admit  
 3 that states have a compelling interest in protecting  
 4 children from sexual abuse and you admitted that.  
 5 **A. One more time.**  
 6 Q. I asked you to admit that states like Michigan  
 7 have a compelling interest in protecting children from  
 8 sexual abuse and you admitted that.  
 9 **A. Okay.**  
 10 Q. Let me follow up and ask you a related question,  
 11 do you believe that the State of Michigan has a  
 12 compelling interest in protecting children from  
 13 violence?  
 14 **A. Yes. But they shouldn't go on the registry.**  
 15 Q. I think that's -- there is one last question I  
 16 want to ask and then it's going to be the end for me.  
 17 On the day you were released, you know, you had a  
 18 lifetime registration; is that accurate?  
 19 **A. No.**  
 20 Q. Was there a period of time that you did not have  
 21 to register for life?  
 22 **A. Yeah.**  
 23 Q. When was that?  
 24 **A. When I got out and then it just recently changed**  
 25 **at some point in time.**

1 Q. Before you registered for life what was your  
 2 registration period?  
 3 **A. I believe 25 years.**  
 4 MR. GRILL: Okay. That's it, I have no  
 5 further questions.  
 6 MS. NELSON: Can we have the room for a  
 7 little bit?  
 8 MR. GRILL: Sure.  
 9 (A recess was taken.)  
 10 EXAMINATION  
 11 BY MS. MARTINEZ:  
 12 Q. Is the underlying conviction that put you on the  
 13 registry sexual in nature?  
 14 MR. GRILL: Objection, form of the question,  
 15 calls for a legal conclusion. You can answer.  
 16 THE WITNESS: On the legal conclusion of  
 17 what I did, no.  
 18 BY MS. MARTINEZ:  
 19 Q. At the time of your conviction did you have to  
 20 register?  
 21 **A. No.**  
 22 Q. Have you ever completed sex offender therapy?  
 23 **A. No, I didn't have to because it wasn't sexual in**  
 24 **nature, my crime.**  
 25 Q. If you'd known about the registry at the time of



1 your conviction would you have still taken the plea?

2 MR. GRILL: Object to the form of the

3 question, calls for speculation.

4 BY MS. MARTINEZ:

5 Q. You can still answer.

6 **A. No.**

7 Q. What would you have done differently?

8 **A. I would have pursued a trial or fought harder to**

9 **bargain.**

10 Q. Why would you like to have a Facebook or Kick

11 Starter account?

12 **A. To pursue business.**

13 Q. And why haven't you created these accounts for

14 that purpose?

15 **A. In fear of being non-compliant with the registry.**

16 Q. Has anyone ever done a random residential check

17 where you lived?

18 **A. In regards to who? Officers, parole?**

19 Q. Yes, has --

20 **A. As far as coming to check to see if I'm there?**

21 Q. Uh-huh.

22 MR. GRILL: Object to form of the question,

23 lack of foundation, but you can answer.

24 THE WITNESS: Yes.

25 BY MS. MARTINEZ:

1 Q. When they came and did that residential check did

2 they speak to your neighbors at all?

3 MR. GRILL: Object to form of the question,

4 calls for speculation, lack of foundation.

5 THE WITNESS: Yes.

6 BY MS. MARTINEZ:

7 Q. Have you ever wanted to live somewhere but you

8 couldn't because of a registry?

9 **A. Yes.**

10 Q. Where was that?

11 **A. With my mom, with my aunt, with my sisters. My**

12 **sister stayed close to a school. Upon my release it was**

13 **my intentions to go on parole with my aunt and my mom;**

14 **however, I could not because of the registry.**

15 Q. Have you ever lost a job because of a registry --

16 of the registry?

17 **A. Yes.**

18 Q. What happened?

19 **A. My parole agent -- when I was doing sanitation my**

20 **parole agent -- I had to wear the box, the tether box,**

21 **and they was questioning me about why I always had to**

22 **call in because the box kept going off. And so when I**

23 **informed them of that they asked me how long would this**

24 **be taking place and I told them that it's something that**

25 **I had to do for the rest of my life -- I mean for 25**

1 **years at the time. And they told me it may be best for**

2 **me to get another job because it may interfere with fear**

3 **of the public finding out me running through the**

4 **neighborhood.**

5 Q. Did you have to register that employer's address?

6 **A. Yes.**

7 Q. Have you ever applied for a job and not gotten

8 hired because of the registry?

9 MR. GRILL: Object to form of the question,

10 lack of foundation.

11 THE WITNESS: Yes.

12 BY MS. MARTINEZ:

13 Q. You can still answer.

14 **A. Yes.**

15 Q. Okay. In your experience how unusual is it for

16 someone to only get one ticket in prison?

17 **A. Very unusual. You have some but I don't know of**

18 **many.**

19 Q. How does parole compare to being on the registry?

20 **A. It's the same. I feel like I'm still on parole.**

21 **And as I stated to the attorney general, to the other**

22 **side, each day it's like I'm still on parole, it feels**

23 **as though I haven't been off of parole. So I still feel**

24 **as though I'm not free, and I thought that I was,**

25 **because of the registry.**

1 Q. Can you turn to Exhibit 1, page -- let's start on

2 page 18, question 13. Can you read that for me?

3 **A. 13, I am prohibited by law from loitering within**

4 **1,000 feet from any building, facility, structure, or**

5 **real property owned, leased, or otherwise controlled by**

6 **a public, private, denominational, or parochial school**

7 **offering developmental kindergarten, kindergarten, or**

8 **any grade from one through twelve. Loitering in a**

9 **student safety zone is a misdemeanor and may result in**

10 **criminal prosecution.**

11 Q. Does that section define loitering?

12 **A. No.**

13 Q. Do you know what loitering means?

14 **A. No.**

15 Q. Can you flip to page 16?

16 **A. Loitering in the sense of this, no, I don't. 16?**

17 Q. Yes, here you go. Can you read question 4-J?

18 **A. J, the license plate number, registration number,**

19 **and description of any motor vehicle, aircraft, or**

20 **vessel that I own or regularly operate and the location**

21 **of where they are routinely stored.**

22 Q. Do you have to report that as required by this

23 sheet?

24 **A. Yes.**

25 Q. Do you know what that section means?

1 **A. Well, yes.**  
 2 Q. Do you know what --  
 3 **A. I register my vehicle, I take it to mean that I**  
 4 **got to register the vehicle that I drive.**  
 5 Q. Do you know what the word regularly means?  
 6 MR. GRILL: Object to the form of the  
 7 question, asked and answered.  
 8 THE WITNESS: Well, registration number and  
 9 description of any motor vehicle, aircraft, or  
 10 regularly -- it's just like at my job, I'm required to  
 11 transport -- I may be required to transport my clients.  
 12 I don't know whether or not I have to go and tell them I  
 13 got to register 36 vehicles that they have because there  
 14 may come a time I may get van 27, this van here, so I  
 15 don't know whether or not if they assign me to have to  
 16 transport that I would have to in turn go down to the  
 17 police station and register these vehicles or for them  
 18 to do it. And, again, I don't want to lose my job  
 19 because of my lack of understanding of it.  
 20 BY MS. MARTINEZ:  
 21 Q. What are the consequences of violating that?  
 22 **A. From my understanding I can -- I'm violating the**  
 23 **law. I'm not being compliant. I can go back to jail or**  
 24 **prison.**  
 25 Q. Why did you sign this sheet? What would happen

1 if you did not sign this sheet?  
 2 **A. This was a prerequisite for me upon my release.**  
 3 Q. You've stated that you reformed your life. If a  
 4 person who commits a sex offense reforms their life and  
 5 becomes rehabilitated, should that person have a chance  
 6 to come off the registry?  
 7 **A. Yes.**  
 8 Q. Should only dangerous people be on the registry?  
 9 **A. Yes.**  
 10 Q. Does being on the registry -- excuse me, does the  
 11 fact that you're on the registry in any way protect  
 12 children from sex abuse or violence if --  
 13 MR. GRILL: Object to form -- go ahead and  
 14 finish  
 15 BY MS. MARTINEZ:  
 16 Q. Given that you did not commit a sex offense?  
 17 MR. GRILL: Object to form of the question,  
 18 calls for a legal conclusion, lack of foundation,  
 19 hypothetical, assumes facts not in evidence. Now you  
 20 can answer.  
 21 THE WITNESS: Repeat the last part?  
 22 MR. GRILL: Assumes facts not in evidence.  
 23 MS. AUKERMAN: Maybe the question could be  
 24 restated since the objection was so long. The objection  
 25 can be noted.

1 MR. GRILL: Okay.  
 2 MS. AUKERMAN: Just so that he can answer  
 3 the question.  
 4 THE WITNESS: Well, according to the police  
 5 report and the facts and the information I was given  
 6 from the crime that I committed I do not believe that to  
 7 be so to your question.  
 8 BY MS. MARTINEZ:  
 9 Q. Do you want to be involved in your children's  
 10 lives?  
 11 **A. Very much so, yes.**  
 12 Q. If you weren't on the registry would you try to  
 13 be more involved in your children's lives?  
 14 **A. I would be much more involved.**  
 15 Q. Is the registry what prevents you from contacting  
 16 teachers and other people at your children's school?  
 17 **A. Yes, and the fear, again, of violating these here**  
 18 **and also subjecting my family from losing me again so,**  
 19 **yeah.**  
 20 Q. How has the registry impacted your goals in life?  
 21 **A. They impact them daily because I have to do this**  
 22 **for the rest of my life and a lot of -- a number of**  
 23 **ideas and goals and things I want to participate in**  
 24 **involves dealing with young people, especially young**  
 25 **people from depressed and disenfranchised neighborhoods.**

1 **As I stated to the attorney general that it was my**  
 2 **desire to help curb the problems that we have with our**  
 3 **young people, and one of the ways of doing so is to**  
 4 **involve yourselves in the school environment or in their**  
 5 **lives as they grow up, which I'm prevented from doing.**  
 6 **So I just continue to live a secluded life and I tell**  
 7 **you guys A, B, C, one, two, three in hopes that I'm in**  
 8 **compliance with the registry.**  
 9 Q. Just to clarify an earlier question, did you  
 10 commit a sex offense?  
 11 MR. GRILL: Same objection, calls for a  
 12 legal conclusion.  
 13 THE WITNESS: How did I know he was going to  
 14 say that?  
 15 MR. GRILL: You knew it before I did, I was  
 16 slow.  
 17 THE WITNESS: No, I did not.  
 18 BY MS. MARTINEZ:  
 19 Q. Did you commit any sexual acts on a minor?  
 20 **A. No.**  
 21 MS. MARTINEZ: That's all the questions.  
 22 MR. GRILL: I have just a few follow ups.  
 23 Really not many because it's getting late.  
 24  
 25



1 RE-EXAMINATION  
 2 BY MR. GRILL:  
 3 Q. You were asked some questions about if there were  
 4 places that you could live that you were barred by the  
 5 registry and you, I think, discussed your aunt who lived  
 6 near a school; is that correct?  
 7 **A. My sister.**  
 8 Q. Your sister. What about your aunt, did she live  
 9 near a school?  
 10 **A. Yes, she also lived near a school.**  
 11 Q. Did you find a place --  
 12 **A. As a matter of fact, a day care.**  
 13 Q. Okay. In addition to a school?  
 14 **A. I don't know, I didn't go any further, day care,**  
 15 **children, at the same time being on parole and with the**  
 16 **stipulations here I didn't pursue it anymore.**  
 17 Q. Okay.  
 18 **A. In my mind and understanding I was in violation.**  
 19 Q. But you did find a place to live and that was the  
 20 place in [REDACTED] right?  
 21 **A. Yes.**  
 22 Q. You talked about a buzz box or a box that you  
 23 wore after you were -- while you were on parole. Was  
 24 that box a part of your parole or was it a requirement  
 25 of the sex offender registry?

1 **A. Because I was a sex offender I was required to**  
 2 **wear that box.**  
 3 Q. As part of your parole?  
 4 **A. Yes.**  
 5 Q. There came a point where you no longer wore the  
 6 box, correct?  
 7 **A. Yes.**  
 8 Q. You don't have it today?  
 9 **A. No.**  
 10 Q. In talking about vehicles, you said you had some  
 11 uncertainty about whether or not you had to register  
 12 your employer's entire fleet of cars?  
 13 **A. Right.**  
 14 Q. Is there one car that you use every day at work?  
 15 **A. My own.**  
 16 Q. And as far as your employer's fleet of cars, how  
 17 often would you use one of those?  
 18 **A. I tried to avoid so being that I've been promoted**  
 19 **to a management, supervisor type position I would ask**  
 20 **someone else to do it instead of me because I'm in fear**  
 21 **of this here.**  
 22 Q. All right. Even so, if you didn't have someone  
 23 else do it, how often would it come up that you would  
 24 use one of those employer cars?  
 25 **A. Probably every day.**

1 Q. Would it be the same car?  
 2 **A. No, it varies.**  
 3 Q. You talked about -- you were asked a question by  
 4 your counsel concerning dangerous people. Who are  
 5 dangerous people?  
 6 **A. Those who continue to perpetuate crime on not**  
 7 **only themselves but others.**  
 8 Q. And those are the people that belong on the  
 9 registry?  
 10 **A. The sex offender registry I believe is for sex**  
 11 **offenders. I believe that just as with parole, all the**  
 12 **other offenses should be given an opportunity to show**  
 13 **themselves worthy of being free, and upon doing so they**  
 14 **should be given opportunity to be productive in society.**  
 15 Q. And the people that would stay on the registry  
 16 would be the dangerous people?  
 17 **A. The people who would stay on the sex offender**  
 18 **registry are those who have committed sexual offenses,**  
 19 **whether it's against an adult or a child, and also be**  
 20 **given an opportunity to show themselves to be worthy of**  
 21 **gaining their civil liberties or rights.**  
 22 Q. Okay. Well, let me ask you this, then, if any  
 23 person on the registry could ultimately be removed, who  
 24 would be left on the registry? Who would stay on the  
 25 registry or would everyone come off of it at some point

1 in time?  
 2 **A. I believe that who would come off the registry**  
 3 **are those who -- whether sexual offender or whether it's**  
 4 **a violent offender registry, it should be in accordance**  
 5 **to how they do parole. Give these individuals the**  
 6 **opportunity to show themselves to be worthy of**  
 7 **redemption, reform, and to become productive in society.**  
 8 Q. And the -- for lack of a better phrase because it  
 9 was used already in your answers, the dangerous people  
 10 would stay on the registry?  
 11 **A. According to the sex offender registry I believe**  
 12 **that those dangerous people who commit sexual acts**  
 13 **should remain on the sex offender registry until they've**  
 14 **proven themselves. There should be another form of**  
 15 **registry, if you will, for violent offenders who haven't**  
 16 **committed sexual acts who should also be given an**  
 17 **opportunity similar to the opportunities and procedures**  
 18 **that they have for parole.**  
 19 Q. And --  
 20 **A. I should not be on the sexual offender registry.**  
 21 Q. Right, and I think we already talked about that.  
 22 So we're talking now a little bit more about the  
 23 registry in large rather than specifically to you. So  
 24 earlier you described what were discussed as dangerous  
 25 people as those that commit offenses, new acts, right?

1 **A. That could be one stipulation, that could be one.**  
 2 Q. Okay. So would you agree with me that before  
 3 someone is convicted of a sexual offense that there is a  
 4 period of time in which they haven't committed a sexual  
 5 offense?  
 6 **A. Before they were convicted?**  
 7 Q. Right.  
 8 **A. That they did commit one?**  
 9 Q. No, let me try -- ask the question this way.  
 10 Before someone ever commits their first crime there is a  
 11 period of time in which they have not yet committed a  
 12 crime, correct?  
 13 **A. Yes.**  
 14 Q. So there would be a point in time for any sexual  
 15 offender in which they had not yet committed a sexual  
 16 offense?  
 17 **A. Well, to do it again -- upon being on this list?**  
 18 Q. No, originally, before the very first time, any  
 19 sex offender, there was a period of time before they  
 20 committed their first sex offense?  
 21 MR. REINGOLD: I'm going to object to the  
 22 question because I don't see how you can be a sex  
 23 offender before you committed your first sexual offense.  
 24 That's what makes you a sex offender is that you  
 25 committed an offense.

1 MR. GRILL: That's essentially being the  
 2 point I was getting at so I'll take the objection as --  
 3 BY MR. GRILL:  
 4 Q. Would you agree with your counsel's statement?  
 5 **A. Yes.**  
 6 Q. So with that understanding, would it be fair to  
 7 say that after someone has committed a sexual offense  
 8 there may be a point in time in which they can continue  
 9 to exist and live without committing a sexual offense?  
 10 **A. Yes.**  
 11 Q. And then ultimately at some point in the future  
 12 commit another sexual offense?  
 13 **A. That would be the same with a murderer.**  
 14 Q. Correct. So how would a person prove that they  
 15 would no longer pose the risk of committing a sexual  
 16 offense?  
 17 **A. I believe that should be determined by an**  
 18 **assessment of their activity, their involvement with not**  
 19 **only family but community. And be given a set of**  
 20 **standards to live by and prove themselves worthy to be**  
 21 **taken up off of it. If my answer is --**  
 22 Q. It's your answer. There was a series of  
 23 questions between you and your counsel and I just wanted  
 24 to make sure I understood your answer. There was a  
 25 discussion of dangerous people, as I think we just kind

1 of exhausted that discussion.  
 2 **A. Okay.**  
 3 Q. And then there was a statement about whether or  
 4 not you were a dangerous offender, whether or not your  
 5 offense was dangerous. Do you think that your crime  
 6 was -- will you acknowledge that your crime was a  
 7 violent crime?  
 8 **A. Yes.**  
 9 Q. And then lastly, the discussion about your  
 10 children's teachers. I think in response to my  
 11 questions you stated that your son is too young -- your  
 12 youngest son is too young to be in school, correct?  
 13 **A. Uh-huh.**  
 14 Q. And your oldest children are out of school?  
 15 **A. Uh-huh.**  
 16 Q. So whose teachers would you be interested in  
 17 contacting if you were off the registry?  
 18 **A. Every child that I'm involved with I would want**  
 19 **to be in contact with anyone who plays a part in their**  
 20 **education and in their upbringing. When it comes to**  
 21 **my -- go ahead.**  
 22 Q. No, no, finish your answer.  
 23 **A. No, go ahead, I'm done.**  
 24 Q. Without naming specific names can you describe to  
 25 me are there any particular children you have in mind?

1 **A. Well, I come from a large family so all of my**  
 2 **nieces and nephews.**  
 3 Q. Okay. Without -- if you were not on the registry  
 4 tomorrow, is it your understanding that you would be  
 5 privileged to -- or that you would have the ability to  
 6 discuss their education, your nieces' and nephews'  
 7 education, with their teachers?  
 8 **A. If I was not on the registry?**  
 9 Q. Correct.  
 10 **A. And you asked me would I go?**  
 11 Q. Right. The question specifically is is it your  
 12 understanding that the teachers would be authorized to  
 13 reveal information about your nieces' and nephews'  
 14 education to you?  
 15 **A. Upon agreement through their parents, yes.**  
 16 Q. Have you obtained your brothers' and sisters'  
 17 agreement to be involved with your nieces' and nephews'  
 18 education?  
 19 **A. Have I?**  
 20 Q. Yes.  
 21 **A. To be involved in their education?**  
 22 Q. Right, as you just said a minute ago.  
 23 **A. According to that question if I was off the**  
 24 **registry?**  
 25 Q. Right.

1 **A. Yes, I would.**  
 2 Q. Have they given you that permission yet?  
 3 MR. REINGOLD: I'm going to object to the  
 4 question because it doesn't make sense --  
 5 MS. AUKERMAN: It's hypothetical.  
 6 MR. REINGOLD: Yes, it's totally  
 7 hypothetical because there's no way he can get approval  
 8 so why would he ask for approval?  
 9 BY MR. GRILL:  
 10 Q. Did you understand my question?  
 11 **A. Yes, and I think it's kind of, like he said,**  
 12 **hypothetical because, again, the way I live my life**  
 13 **every day I try to make sure that I'm not crossing no**  
 14 **lines with anything. So for me to approach any of my**  
 15 **family members and ask them for permission, because I'm**  
 16 **on the registry that would create a problem.**  
 17 Q. Let me rephrase the question a different way.  
 18 **A. Okay.**  
 19 Q. Have you had any discussions with your brothers  
 20 and sisters that would lead you to believe that but for  
 21 the registry they would grant you access to their  
 22 children's teachers?  
 23 **A. They don't want me to be involved and they don't**  
 24 **want me to get into any trouble, they don't want to lose**  
 25 **me going back to jail so it's not an issue of giving me**

1 **approval. The issue is what is it that I must do to**  
 2 **remain out here. I don't know because this is still a**  
 3 **bit confusing to me and I know it would be to them.**  
 4 Q. But, again, I guess my question would still go  
 5 back to the idea of have you had any discussions with  
 6 them that would --  
 7 **A. No, no. About approval?**  
 8 Q. Any discussions that would, you know, lead you to  
 9 the conclusion that if the registry didn't exist  
 10 tomorrow that they would say, oh, well, now, let's go,  
 11 you can go talk to my children's teachers?  
 12 **A. No, that's all -- that's all dependent upon me.**  
 13 **It has nothing -- because they have full confidence in**  
 14 **me and my ability to, you know, to -- they want me to be**  
 15 **involved, my family want me to be involved, but they**  
 16 **don't -- it's not the thought of my involvement**  
 17 **according to the registry, that's me, and it would be**  
 18 **difficult for --**  
 19 Q. I think we're wandering a bit far afield and so  
 20 let me see if I can kind of rein this up here.  
 21 **A. Okay.**  
 22 Q. The specific question I had or the specific issue  
 23 I'm looking at here is your interaction with your  
 24 nieces' and nephews' teachers, okay?  
 25 **A. Okay.**

1 Q. Now, your statement to counsel here and to me  
 2 would be that -- well, actually it was a question  
 3 broadly posed by your counsel, and in answer to my  
 4 specific question you said that you wanted to be in  
 5 contact with your nieces' and nephews' teachers; is that  
 6 correct? If there were no registry you would wish to  
 7 contact your nieces' and nephews' teachers?  
 8 **A. Well, I guess I have the issues with the contact**  
 9 **part. Being involved, being involved in not just that**  
 10 **area but the areas that prevent me from -- that this**  
 11 **here prevents me from being involved in. I would love**  
 12 **to be involved, I want to be involved, but because of**  
 13 **this I'm prohibited to be involved so it's not a**  
 14 **discussion.**  
 15 Q. What specific things are you prohibited from  
 16 doing that you would want to do?  
 17 **A. I don't know. The only thing I know is if it has**  
 18 **to do with schools and the children (Shaking head side**  
 19 **to side.)**  
 20 MR. GRILL: I think that is all that I have.  
 21 I have no further questions unless there is further  
 22 redirect.  
 23 MS. MARTINEZ: We have a couple follow up  
 24 questions.  
 25

1 RE-EXAMINATION  
 2 BY MS. MARTINEZ:  
 3 Q. You will be on the registry for life. Your son  
 4 will grow up. Do you want to talk in the future to your  
 5 children's teachers, go to parent teacher conferences,  
 6 attend sporting events or plays at your son's school?  
 7 MR. GRILL: Objection, form of the question,  
 8 leading, but you may answer.  
 9 THE WITNESS: Any responsible parent should.  
 10 Yes, I do. Yes, I would.  
 11 BY MS. MARTINEZ:  
 12 Q. If you weren't on the registry would you go to  
 13 your nieces' and nephews' sporting events and plays or  
 14 other school events?  
 15 **A. I was recently asked to come speak at the**  
 16 **University of Michigan, which my niece attends, and she**  
 17 **kept asking me why and I had to lie because I didn't**  
 18 **want to tell her the truth about this because I'm**  
 19 **uncertain, I don't understand it all, but more**  
 20 **importantly just the scrutiny of me being on the**  
 21 **registry let alone me being given permission to go or**  
 22 **being allowed to go.**  
 23 **It's the same thing with my children, with**  
 24 **my child I'm in fear that one day he's going to ask me**  
 25 **that question, just as I have had other young folk ask**

1 me. I have an aspiring nephew who is going to play  
2 sports, he would love to see his Uncle [REDACTED] there, he  
3 wants his uncle involved, but I can only be involved  
4 from afar. I can buy him a uniform and some gym shoes,  
5 but there's nothing like being involved personally to be  
6 there watching him. So I have to measure 1,000 yards  
7 just to see him play football and have to determine  
8 whether or not I'm loitering.

9 So here again, yes, I want to, but that fear  
10 of going back to prison, which one weighs more heavy, me  
11 not being involved in their life while I'm out here or  
12 me going back to prison. Those are the things that go  
13 through my mind and this is the reason why I don't  
14 involve myself and I'm asked to but I don't because it  
15 doesn't make any difference if 30 law enforcement people  
16 explain this here to me, and I am an astute English  
17 professor, understand every word, it's the fact that I'm  
18 being prohibited from wanting to be a productive person  
19 in society and being involved in my children's life, my  
20 family's life, period. Your question, Counselor.

21 Q. I have a couple more questions. Do you want to  
22 be more involved in your stepdaughter's life?

23 A. Yes, I do.

24 Q. Have you been prevented from being involved in  
25 her life because of the registry? You don't have to

1 wait for him to object.

2 A. Yes, I have.

3 Q. Have you ever been turned down by apartments for  
4 rentals because of the registry?

5 A. Yes.

6 Q. Have you ever been told that certain employers  
7 don't hire sex offenders?

8 A. Yes.

9 Q. Have you ever tried to get a temp job but were  
10 turned down because of the registry?

11 A. Yes.

12 Q. Have you committed any crimes since your release  
13 from prison?

14 A. No.

15 Q. Did you go through risk assessments before  
16 parole?

17 A. Yes.

18 Q. Did the warden support your release from prison?

19 A. Very much so.

20 MS. AUKERMAN: Go ahead.

21 BY MS. MARTINEZ:

22 Q. Yes, you can.

23 A. No, as stated in my interviews with you guys  
24 before I wanted to actually invite him and bring him  
25 along because they are trying to get me to come back

1 into the prisons. However, the politics involved, but  
2 anyway, Mr. [REDACTED] Warden [REDACTED] supported my  
3 early release. As I stated, I was a habitual offender  
4 so I didn't get good time and he was able to put in  
5 place the necessary procedures for me to get my early  
6 release, get my good time and my disciplinary credits.

7 Q. You stated that -- let me start over. The parole  
8 board makes decisions all the time about the likelihood  
9 of prisoners to -- former prisoners to commit new  
10 offenses, they consider things like therapy reports and  
11 risk assessments. Is this a model for making decisions  
12 about sex offenders?

13 MR. GRILL: Objection, form of the question,  
14 leading, assumes facts not in evidence, lack of  
15 foundation. You can answer if you can.

16 THE WITNESS: You say if I can. Rephrase  
17 it.

18 BY MS. MARTINEZ:

19 Q. Okay. Do you think that sex offenders should be  
20 assessed individually based on their risk to recommit a  
21 sex offense?

22 A. Yes.

23 MS. AUKERMAN: We have a student attorney in  
24 the room so I'm going to take the liberty of asking --  
25 just following up if that's okay.

# EXAMINATION

2 BY MS. AUKERMAN:

3 Q. So in your experience in prison do you have to go  
4 through various types of risk assessments prior to  
5 release?

6 A. Yes.

7 Q. Can you tell us what kind of risk assessments are  
8 done, to your knowledge?

9 A. The parole -- your counselor do what they call a  
10 PER -- hey, can I step out and go to the bathroom?

11 MR. GRILL: Yes.

12 (A recess was taken.)

13 MS. AUKERMAN: Can we go back on the record  
14 now?

15 MR. GRILL: Do you remember the question?  
16 Can you read the question back?

17 (Reporter read back last question.)

18 THE WITNESS: Yes. The counselor -- the  
19 prison's counselor gets with one of the parole board  
20 agents and they do what is known as a PER.

21 BY MS. AUKERMAN:

22 Q. And what is that?

23 A. Early release pre -- a report for early release,  
24 PER, prisoner early release. It's an assessment and  
25 they go through your file and they assess -- they have

1 like a grid that they actually use to determine a number  
2 or score and from there they make a record of it and  
3 this is something that the parole board uses in  
4 determining, you know, their decision one way or the  
5 other.

6 Q. So they look at both your past conduct and the  
7 statistical likelihood that you'll reoffend?

8 **A. Yes.**

9 MR. GRILL: Objection, form of the question,  
10 foundation. You can continue.

11 THE WITNESS: Yes.

12 BY MS. AUKERMAN:

13 Q. Are you familiar with the COMPASS test?

14 **A. Yes.**

15 Q. Did you have to take a COMPASS test?

16 **A. Yes.**

17 Q. And do you know how that is used?

18 **A. Similar to what I just stated, it's a line of**  
19 **questioning and -- it's a number of parts, if I'm not**  
20 **mistaken, if I can recall, there's a number of areas**  
21 **with a list of questioning and then they compute it**  
22 **according to a number and the number is determined your**  
23 **likelihood to reoffend or your success on parole.**

24 Q. So it's a statistical risk assessment instrument?

25 **A. Yes.**

1 Q. And that's considered by the parole board as one  
2 of the factors in whether or not the person should be  
3 released?

4 **A. That's a -- yes.**

5 Q. Are you familiar with the Static-99; is that a  
6 term that's familiar to you?

7 **A. No.**

8 Q. But to your knowledge are there a variety of  
9 different risk assessment tools that are used by the  
10 Michigan Department of Corrections? If you don't know  
11 that's fine.

12 **A. Yeah, only the ones I just stated that I'm**  
13 **familiar with.**

14 Q. Okay. And you mentioned earlier that the warden  
15 supported your early release; is that correct?

16 **A. Uh-huh.**

17 Q. And that was based on the warden's knowledge of  
18 your conduct in prison?

19 **A. Yes, of course it has to be on hard copy as well,**  
20 **as far as my file.**

21 Q. But it's fair to say that the Department of  
22 Corrections' staff had many years to become familiar  
23 with your conduct and the fact that you were  
24 rehabilitated?

25 **A. Yes.**

1 Q. When the parole board makes decisions about  
2 whether or not to release someone, are they concerned  
3 about whether the individual is likely to reoffend?

4 **A. Recid- -- yes.**

5 Q. So one of their primary concerns is not to  
6 release people who are likely to reoffend?

7 **A. Yes.**

8 Q. And they make decisions about likelihood of  
9 reoffending?

10 **A. Yes.**

11 Q. And they make those decisions based on  
12 institutional conduct, the underlying offense, the risk  
13 assessment instruments that we talked about; is that  
14 correct?

15 MR. GRILL: Objection to the form of the  
16 question, foundation.

17 THE WITNESS: Yes, all that's in your PER,  
18 yes.

19 BY MS. AUKERMAN:

20 Q. So they are in the business of making decisions  
21 about how likely someone is to reoffend?

22 MR. GRILL: Objection to the form of the  
23 question, argumentative.

24 THE WITNESS: Yes.

25 BY MS. AUKERMAN:

1 Q. With respect to the sex offender registry, would  
2 it be possible to similarly -- let me back up. When a  
3 parole board makes a decision about an offense -- excuse  
4 me, let me back up again. When the parole board makes a  
5 decision it's individual to the specific prisoner; is  
6 that right?

7 MR. GRILL: Objection to the form of the  
8 question, foundation, calls for speculation.

9 THE WITNESS: They go according to your  
10 file.

11 BY MS. AUKERMAN:

12 Q. So the parole board might decide that one person  
13 who committed a sex offense should be released whereas  
14 someone else who committed a sex offense should not be  
15 released; is that correct?

16 **A. I'm not aware.**

17 Q. Well, let me rephrase that. So you committed an  
18 armed robbery, correct?

19 **A. Uh-huh.**

20 Q. And the parole board decided to release you?

21 **A. Uh-huh.**

22 Q. Are there other people with armed robberies whom  
23 the parole board did not decide to release?

24 MR. GRILL: Object to the form of the  
25 question, foundation.

1 BY MS. AUKERMAN:  
2 Q. To your knowledge.  
3 **A. I know three personally; do you want their names?**  
4 **No.**  
5 Q. But --  
6 **A. Yes, yes.**  
7 Q. So the question is that it's individual, you may  
8 have the same offense as someone else and the parole  
9 board might decide you're safe enough to go out into  
10 society but this other individual is still dangerous and  
11 they have to be kept inside?  
12 **A. Yes.**  
13 MR. GRILL: Objection to the form of the  
14 question, argumentative.  
15 BY MS. AUKERMAN:  
16 Q. So my question is are you aware of any reason why  
17 one could not make similar individual decisions about  
18 whether or not a person should be on the sex offender  
19 registry, is there any reason the same process could not  
20 be used?  
21 MR. GRILL: Objection, form of the question,  
22 speculation, argumentative. You can answer if you can.  
23 THE WITNESS: No.  
24 MR. GRILL: Lack of foundation too.  
25 MS. AUKERMAN: No further questions.

1 MR. GRILL: I just have two.  
2 RE-EXAMINATION  
3 BY MR. GRILL:  
4 Q. Are you familiar with the phrase grades one  
5 through twelve?  
6 **A. Yes.**  
7 Q. Does grade one through twelve include college?  
8 **A. No.**  
9 Q. And then lastly --  
10 **A. But school.**  
11 Q. What's that?  
12 **A. But it is a school, though, right?**  
13 Q. Right, but it's not grades one through twelve,  
14 right?  
15 **A. Right.**  
16 MS. AUKERMAN: Objection, argumentative.  
17 BY MR. GRILL:  
18 Q. And then lastly you were talking a series of  
19 questions about risk assessment. In your experience are  
20 there prisoners who are paroled who then reoffend?  
21 **A. Yes.**  
22 MR. GRILL: No further questions.  
23 MR. REINGOLD: Thank you all.  
24 MS. AUKERMAN: Thank you.  
25 (Whereupon Deposition concluded at 4:10 p.m.)

1 STATE OF MICHIGAN )  
2 ) SS  
3 COUNTY OF INGHAM )  
4 I, Melinda Nardone, Certified Shorthand  
5 Reporter and Notary Public in and for the County of  
6 Ingham, State of Michigan, do hereby certify that the  
7 foregoing Deposition was taken before me at the time and  
8 place hereinbefore set forth.  
9 I further certify that said witness was  
10 by me duly sworn in said cause; that the testimony then  
11 given was reported by me stenographically; subsequently  
12 with computer-aided transcription, produced under my  
13 direction and supervision; and that the foregoing is a  
14 full, true, and correct transcript of my original  
15 shorthand notes.  
16 IN WITNESS WHEREOF, I have hereunto set  
17 my hand and seal this 14th day of November, 2013.  
18  
19 Melinda Sue Nardone, CSR-1311,  
20 Certified Shorthand Reporter,  
21 Registered Professional Reporter,  
22 Certified Proficient,  
23 and Notary Public,  
24 County of Ingham, State of  
25 Michigan.  
My Commission Expires: 10-24-18